

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LACEY MARKETPLACE ASSOCIATES II, LLC,  
a Washington limited liability company,

Plaintiff,

v.

UNITED FARMERS OF ALBERTA CO-  
OPERATIVE LIMITED, et al.,

Defendants.

NO. 2:13-cv-00383-JLR

**DECLARATION OF ROGER J.  
KINDLEY IN SUPPORT OF  
PLAINTIFF BURLINGTON  
RETAIL, LLC'S MOTION FOR  
ATTORNEYS' FEES AND COSTS  
AGAINST WHOLESALE SPORTS  
USA, INC.**

**NOTE ON MOTION CALENDAR:  
APRIL 3, 2015**

BURLINGTON RETAIL, LLC, a Washington  
limited liability company,

Plaintiff,

v.

UNITED FARMERS OF ALBERTA CO-  
OPERATIVE LIMITED, et al.,

Defendants.

NO. 2:13-cv-00384-JLR

ROGER J. KINDLEY declares as follows:

1. I am a member of Ryan Swanson & Cleveland, PLLC, counsel for plaintiff  
Burlington Retail, LLC. I make the following statements based upon my personal, first-hand

DEC OF KINDLEY IN SUPPORT OF PL BURLINGTON RETAIL'S  
MTN FOR FEES AND COSTS AGAINST WHOLESALE SPORTS - 1  
NO. 2:13-cv-00383-JLR



1 knowledge and a review of the records in this case. I am competent to testify and if called,  
2 would repeat and affirm each and every statement herein.

3 2. Attached as Exhibit A is a spreadsheet listing the services provided to plaintiff  
4 Burlington Retail by Ryan, Swanson & Cleveland, PLLC in connection with this case,  
5 through March 18, 2015. The exhibit lists the date the work was performed, a description of  
6 the work, the timekeeper, the time expended, and the value based upon the time multiplied by  
7 the hourly rate. I reviewed the bills for reasonableness.

8 3. I have been a practicing lawyer and with Ryan Swanson & Cleveland for 34  
9 years. My normal hourly rate is \$425, however for this case my hourly rate was \$390.

10 4. Attorney Britenae Pierce assisted me on this case. She has been a practicing  
11 lawyer and with Ryan Swanson & Cleveland for 12 years. Her hourly rate for 2013 and 2014  
12 was \$310.

13 5. Attorney Teruyuki Olsen also assisted me on this case since 2014. He has  
14 been a practicing lawyer and with Ryan Swanson & Cleveland for 6 years. His hourly rate for  
15 2014 \$290; and for 2015 \$300.

16 6. Of Counsel Hana Kern also assisted me on this case since 2014. She has been  
17 a practicing lawyer since 1992 and with Ryan Swanson & Cleveland for 23 years. Her hourly  
18 rate for 2014 \$290; and for 2015 \$375.

19 7. Attorney Bryan Graff assisted me on this case during 2015. He has been a  
20 practicing lawyer for 10 years and has been with Ryan Swanson & Cleveland since 2006. His  
21 hourly rate for 2015 is \$375.

22 8. Alaina Davio is the primary paralegal who assisted on this case. She has been a  
23 paralegal for over 8 years and with Ryan Swanson & Cleveland for about 5 years. Her hourly  
24 rate for 2013 was \$175; for 2014 \$195; and for 2015 \$195.

10. The hourly rates charged by the attorneys and staff at our firm are reasonable and customary for legal work of like kind, quality and complexity in the Seattle area. In actuality, the hourly rates charged by Ryan Swanson are extremely competitive and are low compared to other mid-sized law firms in the Puget Sound area.

11. Attached to this declaration as Exhibit B is the first page of the lease in question in this case which was entered into evidence as an exhibit at trial (exhibit #3), along with paragraph 39 that provides for attorney's fees to the prevailing party.

I declare under penalty of perjury under the laws of the state of Washington and the United States that the foregoing is true and correct.

DATED this 19th day of March, 2015, at Seattle, Washington.

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**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the State of Washington and the United States of America that on March 19, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

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Pro Hac Vice Counsel for Def. Sportsman's Warehouse

DATED this 19th day of March, 2015.

s/Roger J. Kindley

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## **EXHIBIT A**

**Re: Burlington Retail v. United Farmers of Alberta**

<b>Date</b>	<b>Description</b>	<b>Tmkpr</b>	<b>Hours</b>	<b>Fees</b>
02/25/13	Call with Mick Tronquet and Mike Hess, and the Duboses; begin review of information forwarded from Mick; emails with Mick	RK	2.40	\$936.00
02/26/13	Review multiple documents and multiple emails to prepare complaint specific to Burlington and Coeur d'Alene (using the Tilden complaint as a format as instructed) calls with Mick about certain background facts and uniqueness of these leases; prepare litigation hold letters, emails with Tilden about case; work on discovery	RK	4.90	\$1,911.00
02/27/13	Calls and emails with Mick Tronquet, Jeff Tilden/Haley Krug; work on revising complaint and assorted other documents for the case	RK	3.30	\$1,287.00
02/28/13	Work on revising complaint to delete Sportsman's; add declaratory judgment and reformation claims; emails and calls with Mick; emails and call with Haley Krug; review emails and information to go to opposing parties; finalize litigation hold letters to opposing parties	RK	4.80	\$1,872.00
03/01/13	Work on analysis of revising complaint with reformation action; emails with Jeff Tilden, Mick and Haley Krug; review some of the information from Jeremy on case background	RK	1.40	\$595.00
03/04/13	Further research regarding claims; prepare for and hold conference call; final of complaint and calls with Tilden's office regarding coordination; calls with Mick and review and emails regarding fixtures letters	RK	5.80	\$2,465.00
03/04/13	Confer with R. Kindley regarding case; begin reviewing case documents	BMP	1.00	\$310.00
03/05/13	Calls and emails concerning Judge assignment and processing the case; call with clients on responding to Gaube on store purchases; draft email for Mick to send to Gaube and UFA attorney	RK	1.30	\$552.50
03/05/13	Review latest issues via email and filed documents	BMP	0.30	\$93.00

03/06/13	Calls and emails concerning responding to Bruce Nysetvold's email on case; work reviewing emails strings of communications forwarded by Jeremy DuBose; begin review of promotional agreement and right to terminate	RK	4.30	\$1,827.50
03/07/13	Emails and calls regarding agreement in Promotional Contribution letter allowing possible termination of leases; review emails and comment concerning further response to Bruce and review his documentation of supposed net worth	RK	1.80	\$765.00
03/08/13	Emails with J. DuBose concerning Promotional Contribution agreements and lease termination issues; calls with Mick; review emails and documents regarding so called net worth of WSS; emails with Tilden on forensic accountant and discovery	RK	2.90	\$1,232.50
03/11/13	Analysis of email threads provided by Jeremy and work on bankruptcy issue of Sportsmans Warehouse	RK	1.30	\$507.00
03/12/13	Review email from Hess forwarding Gaube email; call with Mick; email it to Tilden	RK	0.70	\$273.00
03/13/13	Calls with Mick; review emails; conference call with Mike, Mick, Mack and others; emails to and from Jeff Tilden; review of Sportsman's bankruptcy docket for relevant pleadings	RK	2.90	\$1,131.00
03/14/13	Email from Mick with Mack's terms of settlement; review of pleadings from Sportsman's bankruptcy as it relates to the deal with UFA, especially on the net worth issue	RK	2.90	\$1,131.00
03/14/13	Review and calendar relevant dates/deadlines re; Wholesale, Alamo, and Gaube's answers due to complaint	KJH	0.10	\$8.00
03/18/13	Emails and calls concerning fixtures with Mick; call with Jeff and Haley; follow-up emails regarding emails to Gaube and others; follow-up on emails to UFA	RK	2.20	\$858.00
03/19/13	Emails on fixtures and other aspects of case	RK	0.60	\$234.00
03/20/13	Work with Mick Tronquet on lease termination agreement and on form of dismissal for only CDA Idaho	RK	1.10	\$429.00
04/02/13	Call with Mick; prepare and have filed nonsuit	RK	0.20	\$78.00



04/05/13	Email to B. Nytsvoldt about dismissal of CDA Idaho and reply from him	RK	0.30	\$117.00
04/08/13	Email from court on need to identify members of LLCs; email and call with Mick; email to Gaube	RK	0.90	\$351.00
04/08/13	Review and calendar relevant dates/deadlines re; Provide court info re domicile of Plaintiff's members & Alamo Group's Members	KJH	0.10	\$8.00
04/09/13	Work on response to court on need to identify members of LLCs	RK	0.70	\$273.00
04/10/13	Draft statement to court regarding diversity	RK	0.30	\$117.00
04/11/13	File diversity statement and send to adverse parties	RK	0.30	\$117.00
04/24/13	Court order regarding subject matter jurisdiction; call with M. Tronquet regarding measure of damages since rent has been paid	RK	0.40	\$156.00
04/24/13	Review and calendar relevant dates/deadlines re; Plaintiff to show cause why case should not be dismissed for lack of subject matter jurisdiction or court will dismiss	KJH	0.10	\$8.00
04/25/13	Call with Mick; prepare and have filed the amended statement on diversity jurisdiction	RK	0.50	\$195.00
05/20/13	Research on law relating to lease damages and ability to accelerate rents; lengthy telephone call with Mick regarding strategy on case (N/C)	RK	0.00	\$0.00
06/12/13	Call with Mick Tronquet; review information regarding default judgment amounts in Lacey as it may apply if Gaube defaults on deal in Burlington	RK	0.00	\$0.00
07/22/13	Review leases and hold multiple conversations with Mick concerning default notices and other aspects of case; analyze default remedies and review status of case	RK	1.90	\$741.00
07/23/13	Review court order regarding show cause; emails regarding default notices and next steps; check on language in lease and other issues regarding proceeding with default and lawsuit	RK	1.80	\$702.00
07/24/13	Call with Mick; call with Jeff Tilden; email to Haley Krug; email to Mike and Mack regarding next steps	RK	1.40	\$546.00
07/25/13	Follow-up on court notices and communications with lawyer for defendants; call with Christina; email with her; prepare statement responding to order to show cause; emails with clients	RK	2.30	\$897.00



07/26/13	Work on information for court order; email to clients	RK	0.30	\$117.00
08/09/13	Review answer and affirmative defenses; emails and call with opposing counsel; email to clients	RK	1.40	\$546.00
08/12/13	Call with Mick concerning request for meeting	RK	0.30	\$117.00
08/13/13	Work on consolidation matter; email to opposing counsel; email from Mack	RK	0.90	\$351.00
08/14/13	Emails with Jeff and Haley on consolidation; review scheduling times; email with Mack; telephone call with Mick	RK	1.20	\$468.00
08/15/13	Email from Mack; call with Mick regarding information for lender and response to Mr. Koope	RK	0.40	\$156.00
08/16/13	Call with Mick; email to George Koppe with copy of complaint	RK	0.30	\$117.00
08/21/13	Call with Haley Krug regarding motion for consolidation and other issues; email from Mick; work regarding court order on disclosures; email to all clients	RK	1.40	\$546.00
08/27/13	Call from Mick; email to opposing counsel; emails with Mick regarding Gaube call; email to Haley Krug regarding consolidation	RK	1.30	\$507.00
08/28/13	Multiple calls with Mick about Gaube interference with prospective tenants and consolidation; emails to and from opposing counsel regarding court conferences; call with Haley Krug and review and suggest additional terms on the collection of documents	RK	3.10	\$1,209.00
08/29/13	Emails regarding document collection; emails regarding information to Gaube on interference	RK	0.70	\$273.00
08/30/13	Preparation work for court required initial disclosure conference and review of information for protocols; emails with Haley on various points; email to Mack regarding Gaube response	RK	1.90	\$741.00
09/03/13	Emails on court ordered 26(f) conference with opposing counsel; prepare for conference	RK	0.90	\$351.00
09/04/13	Meeting with Mike, Mack, Mick, Scott, Jeremy and more; work on preparing for court conference	RK	1.90	\$741.00
09/05/13	Prepare for and hold court 26(f) conference and work on joint status report and e-discovery protocol order	RK	2.90	\$1,131.00

09/06/13	Work on joint status report and electronic discovery protocol order; email to opposing counsel; email to clients	RK	2.90	\$1,131.00
09/06/13	Discuss eDiscovery collection and processing with R. Kindley	AMD	0.10	\$17.50
09/10/13	Work on pretrial disclosures	RK	0.90	\$351.00
09/11/13	Contact vendor re electronic document collection	AMD	0.20	\$35.00
09/12/13	Work regarding initial disclosures and filing requirements	RK	0.80	\$312.00
09/12/13	Follow up with vendor re electronic collection	AMD	0.10	\$17.50
09/13/13	Work on initial disclosures and other discovery issues; conference with Mick on them; emails with opposing counsel on the joint status report and other matters	RK	2.10	\$819.00
09/13/13	Work with R. Kindley regarding discovery, joint status report, and other matters; review emails regarding same; review joint status report and initial disclosures	BMP	0.80	\$248.00
09/18/13	Emails with C. Haring-Larson regarding joint status report and e-discovery plan; review C. Haring-Larson's proposed changes	BMP	0.50	\$155.00
09/19/13	Work on joint status report and discovery plan	BMP	0.30	\$93.00
09/20/13	Finalize joint status report and e-discovery; emails regarding same	BMP	0.70	\$217.00
09/23/13	Telephone call with B. Pierce regarding filing the evidence protocol and joint status report	RK	0.40	\$156.00
09/23/13	Finalize e-discovery plan and joint status report for filing; telephone discussion with R. Kindley regarding same; review defendants' initial disclosures	BMP	0.60	\$186.00
09/24/13	Review of court's order setting dates; exchange information with Haley; emails with clients; work on discovery issues	RK	1.80	\$702.00
09/24/13	Review trial dates and other assignments	BMP	0.20	\$62.00
09/25/13	Work on discovery	RK	0.00	\$0.00
09/27/13	Work on discovery issues	RK	0.00	\$0.00
10/02/13	Review comments and product from Tilden's office; work on discovery issues	RK	1.30	\$507.00
10/03/13	Work on discovery pursuant to court protocol; work on interrogatories and requests for production	RK	2.90	\$1,131.00
10/04/13	Work on discovery issues	RK	2.10	\$819.00

10/07/13	Emails to and from Mick regarding dates and timing of information required; prepare information concerning discovery protocol	RK	1.50	\$585.00
10/08/13	Finalize interrogatories and requests for production for all four defendants; email to defendants' counsel; work on preparing the report required by the Order on Ediscovery Protocol	RK	4.50	\$1,755.00
10/11/13	Work on discovery and compliance with protocol; call to Tilden's office; review of available information about UFA and its public announcements on sale to Gaube; begin planning for depositions	RK	2.80	\$1,092.00
10/14/13	Address issues required by court rules on ediscovery and work on general discovery matters	RK	1.40	\$546.00
10/15/13	Review model stipulated protective order; emails with Haley and Jeff regarding it and common discovery issues in order to maximize efficiency; work on discovery	RK	1.90	\$741.00
10/16/13	Emails with Jeff Tilden and others on protective order language; work on information provided to us from ediscovery collection	RK	0.90	\$351.00
10/17/13	Emails on discovery matters and production of documents; work on review of materials from defendants	RK	1.10	\$429.00
10/18/13	Emails about discovery and work on assessment of production from defendants	RK	1.40	\$546.00
10/22/13	Prepare letter in accordance with Ediscovery protocol; emails with Mack DuBose	RK	2.30	\$897.00
10/23/13	Continue work on discovery and review of materials from UFA, Gaube and Wholesale Sports	RK	2.80	\$1,092.00
10/24/13	Further work on documents from defendants	RK	0.80	\$312.00
10/25/13	Email from opposing counsel regarding UFA deposition; respond with details of information needed	RK	0.90	\$351.00
10/25/13	Prepare documents for addition to case database for search and review in preparation for production	AMD	1.10	\$192.50
10/28/13	Meeting concerning ediscovery production with Alaina Davio; work on discovery	RK	0.90	\$351.00
10/28/13	Prepare documents for attorney review in preparation for production	AMD	0.50	\$87.50

10/29/13	Discuss collection of electronic documents and processing with J. Sharpe	AMD	0.30	\$52.50
11/04/13	Prepare materials for review in preparation for production	AMD	0.40	\$70.00
11/06/13	Review case database for attorney review in preparation for production; investigate unprocessed files	AMD	1.70	\$297.50
11/11/13	Review discovery responses from defendants; email with clients; email with Jeff Tilden and Haley Krug about ways to economize; email to opposing counsel regarding need for discovery conference	RK	2.20	\$858.00
11/12/13	Follow-up on discovery needs and responses; emails with Haley Krug; work on protective order protocol	RK	1.90	\$741.00
11/13/13	Emails regarding depositions of UFA individuals and discovery from defendants; schedule time for required "meet and confer" per the rules	RK	0.80	\$312.00
11/14/13	Work on discovery issues and model stipulated protective order; emails with opposing counsel regarding "meet and confer"; emails on documents provided from UFA	RK	1.30	\$507.00
11/14/13	Review documents produced by United Farmers of Alberta; prepare email to R. Kindley re production format; contact opposing counsel re format of original documents	AMD	0.70	\$122.50
11/15/13	Work on discovery, including issues on production by defendants	RK	0.80	\$312.00
11/18/13	Preparation for discovery conference with opposing counsel pursuant to the requirements of the Federal Rules	RK	0.90	\$351.00
11/18/13	Follow up with opposing counsel re production of documents	AMD	0.40	\$70.00
11/19/13	Prepare for and hold meet and confer conference call as required by court rules; call with Mick; email from Mike Hess and reply with copy of the Master Transaction Agreement; meeting with paralegal A. Davio to discuss flaws in production by defendants; work on discovery issues; emails with Tilden/Krug	RK	3.90	\$1,521.00
11/19/13	Meet with R. Kindley re discovery conference	AMD	0.40	\$70.00

11/19/13	Draft email to R. Kindley re production received from defendant not in compliance with production agreement	AMD	0.20	\$35.00
11/19/13	Review documents produced by defendant for Master Transaction Agreement with exhibits and attachments	AMD	1.00	\$175.00
11/20/13	Review Master Transaction Agreement; call with Mack DuBose; call with Mick Tronquet; review court order on stipulated protective order and respond to opposing counsel; obtain documents on payment flow schedule for Mack	RK	2.90	\$1,131.00
11/21/13	Read master transaction agreement and other produced documents; call with Mack on aspects of it and overall strategy for case; call with Mick	RK	2.80	\$1,092.00
11/21/13	Continue to search for Master Transaction Agreement attachments for transmittal to client	AMD	0.50	\$87.50
11/21/13	Review confidentiality agreement	AMD	0.30	\$52.50
11/21/13	Prepare documents produced by defendants for attorney review; update production log	AMD	0.60	\$105.00
11/22/13	Call with Mack and Mike on points from transaction; emails regarding discovery conference with opposing counsel; work on follow-up of points in question for discovery materials	RK	3.10	\$1,209.00
11/25/13	Prepare for and hold completion of discovery conference with Christina Haring-Larson; prepare for meeting with Jeff and Haley; work on discovery related issues	RK	1.80	\$702.00
11/26/13	Prepare for and hold meeting with Tilden and Krug; work on search terms for electronic information of defendants; revise and forward search terms to defense counsel along with notice of deposition of UFA representative; email follow-up on points with Krug	RK	2.90	\$1,131.00
11/27/13	Work on discovery issues and analysis of production issues; emails with Tilden	RK	0.70	\$273.00
11/27/13	Review protective order	AMD	0.30	\$52.50
12/03/13	Work on discovery; emails with Haley Krug on various discovery points and adding Sportmans Warehouse	RK	0.90	\$351.00



12/04/13	Work with Haley Krug on joint requests for discovery to Sportsmans and Seidler; work on discovery analysis for motion to compel to force defendants to provide information; continue review and work on outline of Master Transaction	RK	2.10	\$819.00
12/05/13	Review motion to withdraw by Seattle firm of all defendants but UFA; respond to Mack's questions by email; email to Mack, Mike and Mick about discovery and possibly adding Sportsmans; work on discovery-related issues	RK	3.90	\$1,521.00
12/06/13	Emails from defense counsel about withdrawing; emails about discovery; work on motion to compel discovery responses	RK	2.20	\$858.00
12/09/13	Emails with Christina Haring-Larson; emails with Haley regarding expert witness Barrick and other matters; work on discovery related issues	RK	2.10	\$819.00
12/10/13	Call with Christina Haring-Larson; opposing counsel on a variety of issues including discovery, withdrawal, etc; call with Haley Krug; work on objection to withdrawal and research on court rules and cases; further work on discovery	RK	2.40	\$936.00
12/11/13	Emails and calls regarding deposition scheduling and discovery process; work on various motions	RK	1.80	\$702.00
12/12/13	Multiple emails and calls regarding deposition of Melynychuk; work on search terms for electronic emails and information; work on opposition to motion to withdraw and on motion to compel; multiple emails with opposing counsel	RK	3.20	\$1,248.00
12/13/13	Prepare for and hold call on discovery issues with ESI along with counsel in companion case and opposing counsel; email with expert witness Lorraine Barrick; work on motion to compel; further review of discovery information	RK	3.20	\$1,248.00
12/13/13	Emails regarding depositions	BMP	0.30	\$93.00
12/16/13	Work on issues relating to production of electronically stored information	RK	0.80	\$312.00
12/16/13	Discussion regarding depositions and ESI developments	BMP	0.20	\$62.00
12/16/13	Read emails re details of upcoming production	AMD	0.20	\$35.00
12/17/13	Emails with opposing counsel and with Haley Krug; draft part of motion to compel	RK	2.20	\$858.00

12/18/13	Draft motion to compel; research regarding various points; work on discovery issues with Alaina and follow-up with Haley Krug	RK	4.60	\$1,794.00
12/18/13	Discuss production documents with R. Kindley	AMD	0.10	\$17.50
12/18/13	Contact vendor re production; follow up with confirmation email to all counsel and vendor re production format and production agreement	AMD	0.70	\$122.50
12/19/13	Finalize and file of motion to compel and work on objection to withdrawal; conference with B. Pierce regarding responding to discovery and strategy; review discovery from defendants; check on documents produced; email regarding deposition of Melnychuk; further work on ediscovery issues	RK	4.20	\$1,638.00
12/20/13	Emails to clients and from Mack; work on objection to withdrawal; emails with expert witness accountant, Lorraine Barrick	RK	2.20	\$858.00
12/20/13	Work on options with R. Kindley regarding latest discovery issues and objecting to withdrawal	BMP	0.20	\$62.00
12/23/13	Prepare objection to motion to withdraw; review discovery directed at Burlington and send email to Mack and Mike; work on overall discovery issues	RK	2.50	\$975.00
12/27/13	Call with attorney for Seidler Group, Brian Neach; emails with Haley Kruger and review motion to compel filed by her	RK	1.80	\$702.00
12/30/13	Call with Brian Neach who represents Seidler; emails with Neach and with Haley Krug concerning third-party subpoenas and other discovery issues; emails concerning deposition of Melnychuk	RK	0.70	\$273.00
01/02/14	Work on discovery issues; emails with clients; review opposition to motion to compel and work on reply brief; emails on Melnychuk deposition	RK	4.30	\$1,677.00
01/03/14	Emails regarding deposition scheduling and production of documents by Seidler; finalize and file reply brief; emails to opposing counsel and to clients	RK	3.30	\$1,287.00
01/06/14	Review various court orders regarding withdrawal of lawyers and adding others	RK	0.40	\$156.00
01/09/14	Call with Don Gaube regarding discovery; call with Mick on damage calculations; work on discovery matters	RK	1.60	\$624.00



01/10/14	Email with Haley; email from Gaube with documents; work regarding review of information from Gaube	RK	1.80	\$702.00
01/20/14	Email with lawyer for third party subpoena issues; work regarding discovery dates and other matters	RK	0.40	\$156.00
01/21/14	Prepare for and hold conference call with Mack, Mike and the rest; emails concerning meetings and discovery; work regarding discovery from Seidler; work on responses to discovery and serve them; emails and calls with opposing counsel	RK	3.80	\$1,482.00
01/21/14	Emails with all counsel and CPA regarding meetings and depositions	BMP	0.20	\$62.00
01/22/14	Emails about depositions and meetings to prepare with accountant and meetings with clients	RK	0.50	\$195.00
01/22/14	Emails with all counsel and CPA regarding meetings; briefly review background information in preparation for meetings	BMP	0.50	\$155.00
01/22/14	Prepare materials produced by Sportsman's Warehouse for attorney review	AMD	0.50	\$97.50
01/23/14	Call with Casey Condon, Judge Robart's clerk; call with Darian Stanford, UFA attorney; emails with Gaube and Stanford; work on discovery issues	RK	1.80	\$702.00
01/23/14	Load documents produced by Sportsman's Warehouse (prod001) into internal production database for review	JPS	0.75	\$56.25
01/23/14	Load second production by Sportsman's Warehouse (prod002) into internal production database for review	JPS	0.75	\$56.25
01/24/14	Emails and work on discovery matters; prepare for call with court on motion to compel	RK	0.90	\$351.00
01/24/14	Prepare documents for addition to production database for search and review	AMD	0.50	\$97.50
01/27/14	Prepare for and hold call with court; preliminary call with Gaube; review all briefing and notes of discovery conferences	RK	2.90	\$1,131.00
01/28/14	Call and email to new attorney for Gaube, Sage Linn; meeting with Alaina Davio regarding discovery; continue working on review of documents and preparation for Melynychuk deposition	RK	2.90	\$1,131.00

01/28/14	Prepare materials for attorney review in preparation for 30(b)(6) deposition	AMD	1.60	\$312.00
01/29/14	Work on communications with Gaube's new attorney, Sage Linn; call with Tronquet about discovery issues and documents to be produced, work with Alaina Davio on documents for deposition; email to Mack about notice of appearance	RK	2.90	\$1,131.00
01/31/14	Call with Sage Linn; attorney for Gaube; emails with Mack and Mick; email to George Koppe; meeting with B. Pierce in preparation for Monday meeting; work on deposition outline and preparation for both Monday meetings	RK	2.40	\$936.00
02/02/14	Work preparing for meeting and depositions; review discovery	RK	3.40	\$1,326.00
02/03/14	Prep for and hold meetings with forensic accountant Lorraine Barrick; review documents produced for deposition; prepare and hold meeting with Mack and Mike; further work on getting ready for deposition and other matters	RK	6.30	\$2,457.00
02/03/14	Meetings with L. Barrick and clients regarding case and strategy for depositions	BMP	3.00	\$930.00
02/04/14	Work preparing for depositions; review documents produced; emails with new lawyer for Alamo	RK	2.30	\$897.00
02/05/14	Review of production of documents for deposition and further discovery; call with Gaube lawyer Linn; work on outline for Melnychuk	RK	6.90	\$2,691.00
02/06/14	Continue prep for depositions; meeting with clients; attend Melnychuk deposition; meeting afterwards with client	RK	7.90	\$3,081.00
02/07/14	Prepare for and meeting with lawyers for UFA and Don Gaube; emails with Mack and guys regarding update and next steps; reply to Mack on why may need to drop "consent" claim; work on discovery and information for Gaube's lawyer on ediscovery searches	RK	3.40	\$1,326.00
02/10/14	Exchange emails with Matt Pierce on discovery and responses to discovery	RK	0.40	\$156.00

02/11/14	Call with Mick regarding request of Dick's Sporting Goods for a lease guarantee; emails with all counsel about consolidation and amendment of complaint and discovery dates	RK	1.10	\$429.00
02/12/14	Review client documents for attorney client privilege in preparation for production	AMD	0.20	\$39.00
02/13/14	Emails with opposing counsel about discovery and consolidation; call with Matt Pierce; email with Mack DuBose, review information from Mick	RK	1.80	\$702.00
02/14/14	Draft stipulation to consolidate, amend complaint, and move dates; calls with Matt Pierce; review additional documents produced; work on points raised by Mack	RK	3.40	\$1,326.00
02/17/14	Work concerning amending complaint and mitigation damages with new tenants	RK	0.90	\$351.00
02/18/14	Call with Mack, Mike, Mick and others regarding consolidation and timing of matters; work on amending complaint and other matters; call with Matt Pierce	RK	1.90	\$741.00
02/18/14	Review and calendar relevant dates and deadlines re; Our responses die to UFA's amended interrogatories and rfp's	KJH	0.10	\$8.00
02/19/14	Prepare for and hold discovery call with Sage Linn regarding discovery due from Alamo and Gaube; work regarding amending complaint	RK	1.70	\$663.00
02/20/14	Further work on research on fraudulent transfer and amending complaint; continue review of documents produced	RK	3.40	\$1,326.00
02/24/14	Review order of consolidation; continue working on amending complaint	RK	0.90	\$351.00
02/25/14	Call with clients regarding status; review court scheduling order and pass on to clients; call with Stanford; work on amending complaint and review of documents produced	RK	3.80	\$1,482.00
02/26/14	Call with Matt Pierce regarding amended complaint, scheduling order and coordinating work for efficiency; work on amended complaint and send draft to Matt; continue review of new documents produced in case	RK	5.80	\$2,262.00
02/27/14	Further work on amended complaint; emails to opposing counsel; call with Mick; call with Matt Pierce	RK	2.80	\$1,092.00

02/28/14	Work on amended complaint and other aspects of discovery in the case; calls and emails with Matt Pierce coordinating work and filing	RK	3.30	\$1,287.00
03/03/14	Prepare documents produced by UFA for attorney review	AMD	0.20	\$39.00
03/07/14	Continue to prepare documents produced by UFA for attorney review	AMD	0.40	\$78.00
03/11/14	Review information for service on Sportsman's Warehouse; emails with Matt Pierce; work on discovery matters; call to Darian Stanford	RK	0.90	\$351.00
03/11/14	Review client documents for privilege in preparation for production	AMD	1.10	\$214.50
03/12/14	Email to Matt Pierce; email to Darian Stanford	RK	0.30	\$117.00
03/12/14	Review client documents for privilege in preparation for production	AMD	3.20	\$624.00
03/13/14	Work on discovery responses due; call with Matt Pierce to coordinate responses and work	RK	1.80	\$702.00
03/14/14	Emails with opposing counsel; work on discovery; review documents from Sage Linn and Alamo	RK	2.90	\$1,131.00
03/17/14	Continue to review client documents for privilege in preparation for production	AMD	1.20	\$234.00
03/18/14	Meeting with Alaina Davio regarding privilege review and other matters; calls with Matt Pierce on privilege and discovery issues; work on answers to interrogatories and requests for production	RK	1.90	\$741.00
03/18/14	Continue to review client documents for privilege in preparation for production	AMD	1.90	\$370.50
03/19/14	Work on discovery matters, including drafting of responses to interrogatories and requests for production; calls with Mack; calls with Mick; calls with Matt; review of questionable documents for privilege after coordination with Alaina Davio; work regarding documents from Alamo and how to handle the failure to comply with ESI protocol	RK	4.40	\$1,716.00
03/19/14	Prepare client documents for production	AMD	1.60	\$312.00
03/20/14	Work on discovery; call with Matt Pierce on discovery and overall case strategy including possible summary judgment against Wholesale Sports	RK	1.90	\$741.00

03/20/14	Continue to prepare client documents for production	AMD	0.90	\$175.50
03/21/14	Call with Mack; calls with Matt Pierce; work on finalizing the discovery responses; arrange for service	RK	1.70	\$663.00
03/21/14	Continue to prepare client documents for production	AMD	1.90	\$370.50
03/24/14	Emails and work regarding discovery responses of UFA	RK	0.40	\$156.00
03/25/14	Call Matt Pierce regarding case in Spokane and other discovery matters	RK	0.30	\$117.00
03/26/14	Emails with Darian Stanford regarding discovery; work regarding production and review metrics	RK	0.90	\$351.00
04/01/14	Email from opposing counsel; notice of appearance for Sportsmans; call with Mick	RK	0.90	\$351.00
04/02/14	Review answer of Gaube to amended complaint; review information on Lacey leases and loans as it relates to Burlington case; emails with Matt Pierce	RK	0.80	\$312.00
04/03/14	Preparation for and call with Matt Pierce on a variety of matters on the case; call with new counsel for Sportsmans; work with Alaina regarding document production; various emails regarding subpoenas and other discovery issues	RK	2.60	\$1,014.00
04/04/14	Work on discovery issues and subpoena to Ruggerio and First American Properties; work regarding documents produced by UFA; emails with Matt Pierce concerning Sportsman's and discovery for Sportsman's	RK	2.70	\$1,053.00
04/04/14	Review and calendar relevant dates/deadlines re; Doc's due from first American Properties to Ryan Swanson	KJH	0.10	\$8.00
04/04/14	Review and calendar relevant dates/deadlines re; Doc's due from Great American Group to Gordon Tilden	KJH	0.10	\$8.00
04/04/14	Review and calendar relevant dates/deadlines re; Docs due from First American Properties to Ryan Swanson	KJH	0.10	\$8.00
04/04/14	Review and calendar relevant dates/deadlines re; Docs due from Great american Group to Gordon Tilden	KJH	0.10	\$8.00
04/07/14	Work concerning discovery to Sportsman's and agreement to provide more time to answer	RK	1.10	\$429.00

04/07/14	Quality check materials received from UFA and prepare for attorney review	AMD	1.30	\$253.50
04/08/14	Work on discovery and in particular on the UFA production and other matters	RK	1.60	\$624.00
04/08/14	Review production by UFA to confirm compliance with Electronically Stored Information Agreement	AMD	0.30	\$58.50
04/09/14	Prepare for and participate in conference call with forensic accountant, Lorraine Barrick; follow-up to her email suggestions on obtaining documents; continue work on discovery to Sportsman's	RK	2.90	\$1,131.00
04/09/14	Update production log	AMD	0.20	\$39.00
04/11/14	Work on discovery to Sportsmans and follow up on agreement with counsel regarding answer to complaint	RK	1.10	\$429.00
04/14/14	Email from D. Stanford regarding records production	RK	0.30	\$117.00
04/15/14	Call with Sportsman's attorney D. Huntington; further work on discovery	RK	0.90	\$351.00
04/16/14	Emails with Sportsmans counsel; arrange for filing of order on extra time to answer; further work on discovery; obtain copies of leases for new tenants to produce; quick call with Mick on leasing arrangements	RK	2.90	\$1,131.00
04/17/14	Telephone call with opposing counsel from UFA regarding leases for locations; call with Mick on Party City lease; work on discovery for Sportsmans and other issues	RK	2.80	\$1,092.00
04/18/14	Additional work on discovery; call from UFA attorney regarding its production; work regarding supplemental production of Burlington	RK	1.90	\$741.00
04/18/14	Prepare client documents for production	AMD	0.60	\$117.00
04/21/14	Follow-up on bankruptcy materials as suggested by Lorraine Barrick; work on discovery; email to Matt Pierce	RK	3.10	\$1,209.00
04/21/14	Quality check client production	AMD	0.30	\$58.50
04/22/14	Email discovery to Sportsman's lawyer after minor edits; conference with paralegal on production	RK	0.30	\$117.00
04/23/14	Call with counsel for UFA regarding documents they are supposed to produce; produce new Burlington leases to UFA in response to discovery requests; emails with Matt Pierce; documents from First American Properties subpoena	RK	1.10	\$429.00



04/23/14	Prepare materials for production to United Farmers of Alberta	AMD	0.60	\$117.00
04/24/14	Prepare American Properties documents for transmittal to M. Pierce	AMD	0.50	\$97.50
04/25/14	Call with Matt Pierce; email with Mick concerning leases; call from Haring-Larson on discovery	RK	0.40	\$156.00
04/28/14	Call with Matt Pierce; call with UFA attorney; work on discovery issues and providing documents to counsel; meeting with paralegal on production issues	RK	1.10	\$429.00
04/28/14	Continue to prepare First American Properties documents for transmittal to M. Pierce	AMD	0.80	\$156.00
05/01/14	Call with Mack; review answer and forward to Mack and others with comment; call with North Dakota attorney; work on discovery	RK	0.90	\$351.00
05/01/14	Prepare materials received from UFA for search and review	AMD	0.30	\$58.50
05/02/14	Load production UFA005 received from UFA into production Concordance database for review	JPS	1.00	\$75.00
05/05/14	Search for Alamo documents produced by UFA	AMD	0.20	\$39.00
05/06/14	Continue to search for Alamo documents produced by UFA	AMD	0.40	\$78.00
05/08/14	Prepare materials produced by Lacey Marketplace for search and review	AMD	0.20	\$39.00
05/09/14	Review materials produced by Lacey Marketplace to confirm compliance with production agreement; update production log re same	AMD	0.30	\$58.50
05/09/14	Load documents produced by Lacey Market Place into production database	JPS	1.00	\$75.00
05/19/14	Load docs produced (on disc LM002) from Lacey Marketplace into production concordance database	JPS	0.75	\$56.25
05/20/14	Load third production by Lacey Marketplace (labeled LM003) into production concordance database	JPS	0.75	\$56.25
05/29/14	Prepare and attend meeting regarding case status and strategy	RK	2.20	\$858.00
05/29/14	Prepare documents received from Lacey Marketplace for search and review	AMD	0.40	\$78.00
05/30/14	Update production log	AMD	0.20	\$39.00



06/10/14	Work with paralegal Davio regarding Sportsman's deficiencies in production; emails with Matt Pierce	RK	0.30	\$117.00
06/10/14	Prepare Sportsman's Warehouse materials for search and review	AMD	0.90	\$175.50
06/12/14	Call with Mack DuBose about possible sale of property	RK	0.30	\$117.00
06/13/14	Email regarding discovery responses to Dan Huntington and request for discovery conference; emails scheduling it	RK	0.60	\$234.00
06/16/14	Prepare for discovery conference with Sportsman's attorneys including review of answers to discovery and discussion about deficiencies in production of documents	RK	1.30	\$507.00
06/16/14	Prepare materials for attorney review in preparation for discovery conference	AMD	0.90	\$175.50
06/17/14	Prepare and hold discovery conference call with the lawyers for Sportsman's; follow-up on email regarding documents, obtain documents with metadata needed for efficient review	RK	1.80	\$702.00
06/17/14	Phone call with R. Kindley re Sportsman's Warehouse's failure to comply with production agreement	AMD	0.10	\$19.50
06/18/14	Emails with Matt Pierce regarding deadlines and other issues; emails with Mack DuBose; work on scheduling and the files produced by Sportsman's	RK	0.70	\$273.00
06/18/14	Prepare Sportsman's Warehouse documents for search and review; confirm all required fields included	AMD	0.70	\$136.50
06/19/14	Emails regarding Eastland deposition; emails with Lorraine Barrick regarding expert report; emails with Matt Pierce coordinating work	RK	0.70	\$273.00
06/23/14	Prepare for and hold call with Matt Pierce concerning discovery, expert reports, depositions, and case preparation; call with Mick on quick update on case; email from UFA attorney; email with Sportsman's attorney on Eastland deposition	RK	1.90	\$741.00
06/23/14	Phone call with R. Kindley re Alamo email searches	AMD	0.10	\$19.50
06/24/14	Emails regarding depositions, discovery conference, and scheduling	RK	0.70	\$273.00

06/24/14	Prepare materials for addition to case database for search and review	AMD	0.60	\$117.00
06/24/14	Upload documents produced by Great American Group to the production database via Concordance load file	JPS	0.75	\$56.25
06/25/14	Emails regarding discovery and deposition scheduling	RK	0.40	\$156.00
06/25/14	Prepare Great American documents for attorney review	AMD	0.30	\$58.50
07/01/14	Prepare for and hold discovery conference call; emails with clients and with co-counsel; work on responses to discovery items; emails with expert witness Lorraine Barrick	RK	3.70	\$1,443.00
07/01/14	Prepare materials received via subpoena for production	AMD	0.50	\$97.50
07/02/14	Email from UFA attorney regarding discovery conference; emails regarding call with expert and expert report	RK	0.40	\$156.00
07/02/14	Continue to prepare materials received via subpoena for transmittal to defendant	AMD	0.50	\$97.50
07/08/14	Call with Matt Pierce; email to Mack and clients; email to UFA attorney; email to Gaube attorney; mass email regarding depositions	RK	1.30	\$507.00
07/09/14	Emails with Mack on discovery; email from UFA attorney regarding depositions	RK	0.70	\$273.00
07/11/14	Conference call with expert accountant, Lorraine Barrick, and with Matt Pierce; emails regarding depositions and other matters	RK	1.40	\$546.00
07/14/14	Emails with Mack and Nanci; call with Matt Pierce; emails with opposing counsel; work on deposition notices and issues for expert witness	RK	2.20	\$858.00
07/14/14	Emails regarding upcoming depositions	BMP	0.20	\$62.00
07/15/14	Serve notices of depositions for Calgary depositions; email to Sage Linn regarding Don Gaube deposition; work on document review for depositions	RK	1.40	\$546.00
07/15/14	Contact Espy re addition custodian document collection	AMD	0.30	\$58.50
07/16/14	Emails with Mack on follow-up on discovery; review and forward order regarding Sportsman's attorneys; emails regarding collection of documents from certain custodians	RK	0.80	\$312.00

07/17/14	Emails from Sage Bishop on Gaube depositions; work on certification for Gaube; work on discovery matters including deposition preparation and possible supplementation of discovery responses	RK	1.30	\$507.00
07/17/14	Request quote for additional custodian document collections	AMD	0.20	\$39.00
07/18/14	Call with Mack; prepare and send documents to expert Lorraine Barrick; emails regarding Gaube depositions; emails with Pierce and Tilden on Calgary depositions and other matters	RK	1.40	\$546.00
07/22/14	Call with Matt Pierce; call with Sage Linn; work on discovery; emails with clients	RK	0.80	\$312.00
07/23/14	Multiple emails and work on discovery issues; meeting with paralegal on privilege log and other matters for case; begin review of UFA documents produced; emails with Clay on damage analysis and with Matt Pierce on discovery conference request for deposition issues	RK	3.20	\$1,248.00
07/23/14	Meet with R. Kindley re privilege log	AMD	0.30	\$58.50
07/24/14	Long call with Mack concerning damages and preparation of supplemental interrogatories and information; prepare for and call with Lorraine Barrick on damages; draft supplemental answers; work on legal analysis for damages; prepare information for production; meeting with paralegal on privilege log	RK	4.90	\$1,911.00
07/25/14	Call with M. Tronquet; call with Mack regarding answers and other aspects of damage analysis; call with Clay regarding accounting and other matters; call with Matt Pierce regarding discovery conference and depositions and other matters; work on review of documents; emails with Brian Neach regarding location of Gaube deposition	RK	4.60	\$1,794.00
07/25/14	Draft privilege log in preparation for production	AMD	0.20	\$39.00
07/28/14	Work on review of information for supplemental production; discovery call with counsel; submit notice of deposition of Gaube; follow-up calls regarding dates of depositions and discovery information; work on review for Calgary depositions	RK	4.40	\$1,716.00

07/28/14	Research materials received from client without extensions	AMD	0.50	\$97.50
07/28/14	Prepare materials for production	AMD	0.20	\$39.00
07/29/14	Call with expert Barrick; call with Matt Pierce coordinating various depositions; email to Gaube's lawyer about discovery certification; review UFA production for deposition exhibits; emails on motion to change case schedule; work with A. Davio regarding supplemental production	RK	4.90	\$1,911.00
07/29/14	Prepare privilege log	AMD	3.10	\$604.50
07/29/14	Review lease provisions and research Washington cases regarding damages and interpretation of damages and default provisions on lease breaches	TSO	1.20	\$348.00
07/30/14	Review of production of UFA; emails on depositions and on case in general; correspond with Lorraine Barrick on documents and questions for deponents in Calgary; call with Clay and Jeremy; call with Mike Hess; work on finalizing supplemental pleading on discovery	RK	6.10	\$2,379.00
07/30/14	Continue to prepare privilege log	AMD	2.40	\$468.00
07/30/14	Prepare materials for transmittal to expert for review and analysis	AMD	0.10	\$19.50
07/31/14	Work on deposition preparation including continued review of production of documents; emails on depositions; call with Matt Pierce on supplemental production and deposition exhibits; emails to opposing counsel	RK	6.50	\$2,535.00
07/31/14	Prepare documents for production	AMD	0.70	\$136.50
07/31/14	Perform database searches in preparation for depositions	AMD	0.70	\$136.50
08/01/14	Call with Mike; emails with Pierce and Tilden; emails with expert Barrick; continue working on analysis of documents produced by UFA to use in depositions	RK	7.20	\$2,808.00
08/01/14	Prepare documents for attorney review in preparation for depositions	AMD	2.50	\$487.50
08/01/14	Compile materials for transmittal to expert for review and analysis	AMD	0.30	\$58.50
08/03/14	Finish reviewing and annotating documents to use as exhibits at upcoming depositions	RK	3.10	\$1,209.00

08/04/14	Further preparation for depositions; call with Jeff Tilden; work with Lorraine Barrick; call with Clay Crippen; review volume 1 of Melnychuk	RK	7.10	\$2,769.00
08/04/14	Compile materials for transmittal to expert for review and analysis	AMD	0.60	\$117.00
08/04/14	Research on lease damages cases and contractual language construction; begin drafting memo regarding same	TSO	2.00	\$580.00
08/05/14	Continue preparation for depositions of Melnychuk and Nysetvold; emails with Mack; review information from expert; emails with Gaube lawyer about certification	RK	6.60	\$2,574.00
08/05/14	Prepare materials for deposition	AMD	0.30	\$58.50
08/06/14	Prepare for upcoming depositions; call with Mike and Mack; emails with Gaube and others; to Calgary and conversations with Mack on the case	RK	6.60	\$2,574.00
08/06/14	Compile materials in preparation for deposition	AMD	0.10	\$19.50
08/06/14	Work on memo regarding lease damages; review recent cases addressing common law damages for lease default	TSO	0.90	\$261.00
08/07/14	Deposition of Peter Melnychuk; prepare for deposition of Nysetvold in evening	RK	8.10	\$3,159.00
08/08/14	Prepare for in the morning, then depose Nysetvold	RK	4.90	\$1,911.00
08/11/14	Emails regarding discovery conference on damages	RK	0.30	\$117.00
08/11/14	Prepare documents produced by Lacey Marketplace for addition to production database for search and review	AMD	0.30	\$58.50
08/11/14	Load documents produced by Lacy Marketplace (LM004) into production database	JPS	0.75	\$56.25
08/11/14	Work on memo regarding lease damages; shepardize cases in same	TSO	0.90	\$261.00
08/12/14	Calls with Matt Pierce; work on exhibit issues with Alaina Davio; emails with counsel; call from Mack	RK	0.90	\$351.00
08/12/14	Meet with R. Kindley re deposition preparation for C. Eastland	AMD	0.20	\$39.00
08/12/14	Search production database for C. Eastland materials in preparation for deposition	AMD	1.00	\$195.00
08/12/14	Update production log re documents produced	AMD	0.40	\$78.00
08/12/14	Request from A. Davio; Print off selected documents from concordance	KJH	1.50	\$120.00

08/12/14	Request from A. Davio; update witness deposition exhibits binder	KJH	1.00	\$80.00
08/13/14	Calls and emails regarding discovery conference and depositions	RK	0.50	\$195.00
08/13/14	Finalize memo regarding lease damages and contract construction issues regarding potential ambiguity; send same to R. Kindley	TSO	1.50	\$435.00
08/15/14	Discovery conference call with other parties; work on prep for Eastland deposition, call with M. Pierce; call with M. DuBose; emails from counsel on various case matters	RK	3.20	\$1,248.00
08/15/14	Continue to prepare materials for deposition of C. Eastland	AMD	0.40	\$78.00
08/15/14	Prepare documents produced by Sportsman's for attorney review	AMD	0.10	\$19.50
08/17/14	Prepare for deposition of Eastland including reviewing additional production from Sportsmans and annotating deposition exhibits	RK	2.40	\$936.00
08/18/14	Telephone call with M. Pierce; emails with opposing counsel for all parties; further preparation for deposition of Eastland	RK	5.70	\$2,223.00
08/18/14	Coordinate getting copies of selected deposition exhibits in preparation for tomorrow's deposition; run report on R. Kindley's tag in the Concordance database and set up copy process	AMK	0.30	\$58.50
08/19/14	Travel to Los Angeles to depose Chris Eastland; attend deposition; meeting after the deposition with Mack and M. Pierce; work on other case related issues on return	RK	12.00	\$4,680.00
08/19/14	Telephone from Pam at Foster Pepper in OR re early August Canadian dep transcripts and research same	AMK	0.30	\$58.50
08/20/14	Work on deposition exhibit follow up; emails with M. Pierce; work on discovery issues as to Alamo group, begin prepping for meeting with Barrick	RK	1.40	\$546.00
08/22/14	Review additional production from UFA about the FFE in the stores; review email from Gaube with purported offer	RK	0.70	\$273.00
08/25/14	Emails with Mack DuBose; prepare for meeting with Barrick	RK	0.60	\$234.00



08/26/14	Prepare for and meeting with Lorraine; emails with Mack about Gaube deposition and expert witnesses; work regarding motion to compel with Gaube	RK	1.90	\$741.00
08/26/14	Conference with R. Kindley regarding background, facts and motion to compel, begin work on same	HAK	2.80	\$1,050.00
08/26/14	Prepare materials for transmittal to Foster Pepper	AMD	0.20	\$39.00
08/27/14	Emails and calls on case regarding depositions and discovery documents	RK	0.60	\$234.00
08/27/14	Work on motion to compel	HAK	0.80	\$300.00
08/27/14	Continue to prepare materials for transmittal to Foster Pepper	AMD	0.30	\$58.50
08/27/14	Process additional client documents in preparation for review and production	AMD	0.40	\$78.00
08/28/14	Call with Mack and Mike; emails from Gaube; call with UFA attorney regarding settlement; calls and emails with Sportsman's attorney regarding deposition of Eastland	RK	2.90	\$1,131.00
08/28/14	Research and work on motion, declaration and order for motion to compel	HAK	3.40	\$1,275.00
08/29/14	Emails about deposition preparation with clients; email to UFA counsel requesting specific accounting records	RK	0.80	\$312.00
08/29/14	Continue to prepare materials for transmittal to Foster Pepper	AMD	0.70	\$136.50
08/29/14	Review and calendar relevant dates/deadlines re; Burlington Retail's motion to compel	KJH	0.10	\$8.00
09/03/14	Emails regarding mediation and possible settlement; work on discovery matters and prepare for Gaube deposition; call with Brian Neach about Eastman deposition; emails to Matt	RK	1.60	\$624.00
09/04/14	Research and analysis on damages available in Washington and meeting with Teru Olsen regarding his memo; emails with clients; call with Matt Pierce; emails with Lorraine Barrick; work on discovery issues	RK	3.80	\$1,482.00
09/04/14	Review lease and cases regarding damages and conference with R. Kindley regarding strategy and damages discussion	TSO	1.00	\$290.00



09/05/14	Call with Clay Crippen; work on research and damages analysis and review case law; email to clients; email to Lorraine; call with Matt Pierce; work on preparation for meeting with Lorraine; call with real estate expert Brian Finnegan	RK	4.90	\$1,911.00
09/05/14	Contact court reporter re deposition exhibit index	AMD	0.30	\$58.50
09/05/14	Process invoice for supplemental collection of client materials	AMD	0.10	\$19.50
09/08/14	Meeting with expert accountant Lorraine Barrick; call with Brian Finnegan regarding expert report on leasing and mitigation; call with Mack and Clay; follow-up with Alaina Davio on information; provide further documents to opposing counsel	RK	5.30	\$2,067.00
09/08/14	Prepare materials for production	AMD	1.30	\$253.50
09/09/14	Work on discovery issues; email to Lorraine with information; call with Matt Pierce; call with Darian Stanford; call with Brian Neach; work on dates for mediation; emails with Jeff and Matt on upcoming depositions and other matters	RK	4.90	\$1,911.00
09/09/14	Prepare production materials for Concordance load for search and review	AMD	0.10	\$19.50
09/09/14	Prepare materials for transmittal to L. Barrick for review and analysis	AMD	1.70	\$331.50
09/10/14	Add suggestions and edits to Matt's list of 30b6 topics; work regarding Gaube deposition outline; work obtaining information from Utah on Wholesale Sports; emails on discovery issues	RK	1.90	\$741.00
09/10/14	Prepare materials produced by Alamo for search and review	AMD	0.60	\$117.00
09/10/14	Review materials for privilege in preparation for production	AMD	1.60	\$312.00
09/10/14	Prepare materials produced by Lacey Marketplace for search and review	AMD	0.10	\$19.50
09/10/14	Research Wholesale Sports corporation documents	AMD	1.00	\$195.00
09/11/14	Call with Matt Pierce on discovery; call with Mack DuBose; work preparing for depositions; emails on mediation issues; note depositions in Calgary of Nelson and Vuch; obtain documents for Gaube deposition; work on discovery requests from UFA	RK	4.40	\$1,716.00

09/11/14	Review status of UCC and record search orders; order Utah UCC search; conference with R. Kindley	HRN	0.30	\$51.00
09/11/14	Review and calendar relevant dates/deadlines re; Dick's sporting goods to produce docs to Slinde Nelson per subpoena	KJH	0.10	\$8.00
09/11/14	Review and calendar relevant dates/deadlines re; Party City to Produce docs to Slinde Nelson per Subpoena	KJH	0.10	\$8.00
09/11/14	Review and calendar relevant dates/deadlines re; Deposition of John Robert Nelson at UFA , Calgary	KJH	0.10	\$8.00
09/11/14	Review and calendar relevant dates/deadlines re; Deposition of Denys Vuch, at UFA , Calgary	KJH	0.10	\$8.00
09/12/14	Work preparing for Gaube deposition and identifying exhibits to use; review of recent Gaube production; emails with Mack about depositions in general; review UCC filings from Utah	RK	4.80	\$1,872.00
09/12/14	Continue to review supplemental documents for privileged materials in preparation for production	AMD	4.50	\$877.50
09/12/14	Prepare Alamo materials for transmittal to M. Pierce	AMD	0.50	\$97.50
09/12/14	Review status of UCC Search Report requested from Utah; review search report; forward results to R. Kindley	HRN	0.40	\$68.00
09/12/14	Load disc LM005 into production Concordance database; production from Lacey Marketplace	JPS	0.50	\$37.50
09/12/14	Review and calendar relevant dates/deadlines re; Documents due per subpoena from PETCO	KJH	0.10	\$8.00
09/12/14	Review and calendar relevant dates/deadlines re; Documents due to subpoena from Petco	KJH	0.10	\$8.00
09/15/14	Work on further review of Gaube documents and prepare for his deposition; emails with Clay and Lorraine on damage topics; prepare comments for preparation of Mike and Mack for their depositions	RK	5.50	\$2,145.00
09/15/14	Prepare supplemental materials for production	AMD	1.00	\$195.00
09/15/14	Prepare materials produced by Lacey Marketplace for search and review	AMD	0.20	\$39.00
09/15/14	Prepare materials for use at depositions	AMD	1.40	\$273.00
09/15/14	Process payment for corporate documents re Wholesale Sports	AMD	0.20	\$39.00

09/15/14	Prepare production materials for transmittal to Gordon Tilden	AMD	0.40	\$78.00
09/16/14	Preparation of materials for Gaube deposition and outline for his deposition; work on deposition preparation outline for Mack and Mike and Clay; work on producing the documents harvested recently to defendants; provide materials to Barrick	RK	5.70	\$2,223.00
09/16/14	Prepare leases for transmittal to L. Barrick for review and analysis	AMD	0.60	\$117.00
09/16/14	Prepare materials for production	AMD	1.90	\$370.50
09/16/14	Research 9th circuit case law relating to damages determinations on breach of lease cases and capital cost analysis	TSO	1.40	\$406.00
09/17/14	Prepare for and hold meeting with Mike, Mack and Clay to prepare them for their depositions; further work on Gaube deposition preparation, including review of Ruggerio production and all information from it; emails with the court about the motion to compel Gaube to produce information (NO CHARGE FOR TRAVEL TIME)	RK	8.60	\$3,354.00
09/18/14	Prepare for and depose Gaube; meeting with Mack and Jeff; respond to emails on mediation; consult with other counsel on mediation issues; work regarding expert disclosure issues (NO CHARGE FOR TRAVEL TIME)	RK	13.80	\$5,382.00
09/19/14	Respond to Gordon Tilden email re production of ALTA survey	AMD	0.20	\$39.00
09/22/14	Prepare for and attend deposition of Mack; emails with Lorraine and others regarding case; email to Judge Robart's clerk about hearing; call with Mike to prepare him for deposition	RK	8.80	\$3,432.00
09/22/14	Respond to C. Shepherd re production materials	AMD	0.20	\$39.00
09/22/14	Prepare supplemental responses for transmittal to Gordon Tilden	AMD	0.20	\$39.00
09/22/14	Prepare materials for transmittal to L. Barrick	AMD	0.30	\$58.50
09/22/14	Prepare materials for production	AMD	0.50	\$97.50
09/22/14	Compile materials for attorney review	AMD	0.40	\$78.00

09/23/14	Prepare for and attend Mike Hess deposition; conference call with Barrick and Clay Crippen and Matt Pierce; conference call with Mike and Mack after his deposition; draft report of Brian Finnegan; emails from Sage Linn on banking documents of Alamo and pass on to clients	RK	9.80	\$3,822.00
09/23/14	Meeting with co-counsel to prepare for upcoming deposition; brief review into latest facts of case to prepare for same	BMP	0.50	\$155.00
09/23/14	Prepare materials for production	AMD	1.30	\$253.50
09/23/14	Continue to prepare materials for transmittal to L. Barrick for review and analysis	AMD	0.60	\$117.00
09/23/14	Import four newly produced pdf files into concordance for attorney review	JPS	0.75	\$56.25
09/23/14	Review and calendar relevant dates/deadlines re; Telephone conference with Judge Robart (Plaintiff's counsel to initiate)	KJH	0.10	\$8.00
09/24/14	Call with Clay Crippen; send draft report to Finnegan and Pierce; work regarding discovery; emails with court regarding motion to compel on Gaube; correspondence with Barrick	RK	1.50	\$585.00
09/24/14	Prepare materials for transmittal to L. Barrick	AMD	0.20	\$39.00
09/24/14	Update production log re materials produced by UFA, Lacey Marketplace, and Burlington Retail	AMD	0.40	\$78.00
09/25/14	Work regarding both expert reports; emails with Matt Pierce and Lorraine and with Clay Crippen; work on getting information to Lorraine as back-up for her reports; prepare for and participate in oral argument on motion to compel for Gaube	RK	4.10	\$1,599.00
09/25/14	Prepare for and attend deposition of C. Crippen; meet with C. Crippen before and after deposition; emails regarding deposition and court ruling on discovery	BMP	3.50	\$1,085.00
09/25/14	Respond to email for R. Kindley re Alamo production in preparation for motion to compel hearing	AMD	0.30	\$58.50
09/25/14	Compile materials for transmittal to L. Barrick for review and analysis	AMD	0.90	\$175.50
09/25/14	Review and calendar relevant dates/deadlines re; Certificate of Compliance signed by Gaube due	KJH	0.10	\$8.00

09/26/14	Work on expert reports; conference calls with Barrick and Finnegan; emails to Mack and Mike about the reports; review reports of UFA experts and pass on to Mack and Mike	RK	4.90	\$1,911.00
09/26/14	Prepare materials for production	AMD	0.80	\$156.00
09/29/14	Emails from Mack and Mike; work regarding discovery issues	RK	0.60	\$234.00
09/29/14	Update production log re materials produced	AMD	0.10	\$19.50
09/30/14	Various emails regarding reports and testimony; call with George Koppe lawyer at Midland, Steve Bartels; exchange emails with Bartels; call with Matt Pierce; emails on mediation dates	RK	2.90	\$1,131.00
10/01/14	Prepare for and participate in call with Mack, Mike and Scott; call from Dick's counsel; draft supplemental disclosure and supplemental answers to discovery; call with Koppe attorney; set up additional depositions and procedures	RK	4.80	\$1,872.00
10/01/14	Emails and confer regarding upcoming expert depositions, latest court rulings, and strategy related to experts	BMP	0.30	\$93.00
10/01/14	Prepare materials produced by Lacey Marketplace and UFA for search and review	AMD	0.70	\$136.50
10/01/14	Prepare materials for use at deposition of G. Koppe	AMD	1.50	\$292.50
10/02/14	Call with Mack; emails with Mike; lengthy call with Matt Pierce about dividing up duties for further depositions and discovery; work re motion on valuation issues	RK	2.40	\$936.00
10/02/14	Summary judgment research relating to measure of damages	TSO	1.50	\$435.00
10/03/14	Emails on discovery issues-dep of Koppe and other matters; emails on mediation dates; review Benaroya case on similar issues and discuss with Teru and email to Mack and Mike; call with Clay	RK	1.70	\$663.00
10/03/14	Emails with all counsel about upcoming depositions; work with R. Kindley on issues for same; strategize regarding discovery and potential expert depositions	BMP	0.50	\$155.00
10/03/14	Continue to prepare materials for deposition of G. Koppe	AMD	0.30	\$58.50

10/03/14	Research and draft sections regarding measure of damages and difference in lease surrender and termination cases versus relet on behalf of breaching party	TSO	1.40	\$406.00
10/06/14	Review cases regarding 9th Circuit decisions regarding capital improvements in context of breach of lease	TSO	0.40	\$116.00
10/07/14	Review 9th Circuit and Washington cases regarding measure of damages arguments for summary judgment	TSO	0.40	\$116.00
10/08/14	Emails with notices of depositions; calls with Matt Pierce; emails re upcoming depositions; work re prep for Koppe dep and Eastland dep	RK	0.70	\$273.00
10/08/14	Draft motion for summary judgment on measure of damages	TSO	4.10	\$1,189.00
10/09/14	Emails re discovery; email from forensic accountant; email to Dicks lawyer on discovery	RK	0.50	\$195.00
10/09/14	Prepare transcript case binder for R. Kindley; update Case Data transcript and exhibit folders	FCG	1.20	\$234.00
10/09/14	Draft motion for summary judgment on measure of damages	TSO	3.50	\$1,015.00
10/10/14	Meeting with B. Pierce regarding covering Koppe deposition; call with Matt Pierce; call with Mack DuBose; follow-up of information from Mack; work regarding discovery; call with Dick's attorney; email to Koppe attorney	RK	2.30	\$897.00
10/10/14	Prepare for G. Koppe deposition; begin reviewing deposition transcripts; prepare exhibits; emails with G. Koppe counsel and R. Kindley	BMP	2.30	\$713.00
10/10/14	Review case authority regarding fair market value in breach of lease context; work on motion for summary judgment and send draft to R. Kindley	TSO	2.30	\$667.00
10/12/14	Review first volume of Chris Eastland deposition; work on preparation for the continuation of his deposition and also the deposition of Bob Nelson and Denys Vuch in Calgary; emails on case; review draft of summary judgment on damages	RK	5.60	\$2,184.00
10/13/14	Call with Mack DuBose; call with Matt Pierce concerning rebuttal appraiser	RK	0.50	\$195.00



10/13/14	Emails regarding depositions; revise draft summary judgment motion; prepare for G. Koppe deposition; review prior deposition transcripts and exhibits	BMP	3.50	\$1,085.00
10/13/14	Email from Matthew Pierce and search for requested versions of leases and damage charts produced by Burlington	AMK	0.50	\$97.50
10/14/14	Prepare for and conduct deposition of G. Koppe; summary email of same	BMP	2.50	\$775.00
10/15/14	Prepare for and take second half of Eastland deposition; call with Mack DuBose; begin working on preparation for depositions of UFA people; emails and calls regarding mediation; emails regarding expert depositions and rebuttal experts	RK	7.10	\$2,769.00
10/17/14	Prepare for deposition of Bob Nelson of UFA	RK	2.30	\$897.00
10/17/14	Call from Party City counsel regarding subpoena; email regarding same	BMP	0.20	\$62.00
10/20/14	Prepare for and depose Bob Nelson; meeting with Mack and Matt afterward on mediation points and other matters; review some documents for Vuch; review mail to Hoefer	RK	8.20	\$3,198.00
10/20/14	Telephone discussion with Party City counsel regarding subpoena; email to R. Kindley regarding same	BMP	0.50	\$155.00
10/21/14	Attend deposition of Denys Vuch and return to Seattle; review mails involving Hoefer and additional appraisal information; work regarding expert depositions	RK	5.10	\$1,989.00
10/22/14	Work on preparation for meeting with experts and scheduling expert depositions; check on reports and other information; review emails from Jeremy and Hoefer and others; review notes of call with Judge on Gaube production	RK	2.90	\$1,131.00
10/23/14	Prepare for and attend meeting with Brian Finnegan; later meeting with Mike Hess and Rob Andrews and Matt Pierce; work regarding expert depositions; follow-up on emails from Jeremy regarding Hoefer questions	RK	4.80	\$1,872.00



10/24/14	Review multiple emails from Ron Hoefer, from Jeremy and from Matt; work on preparing for conference call with Ron Hoefer; follow-up on various discovery points	RK	4.80	\$1,872.00
10/26/14	Emails with Ron Hoefer and Matt and Mack regarding expert rebuttal reports	RK	1.90	\$741.00
10/27/14	Work on Hoefer report and various aspects of it; emails regarding same; call with Mick regarding status of case and report; note depositions of defendants' experts; emails with Finnegan regarding leasing issues; call with mediator Larry Mills	RK	5.10	\$1,989.00
10/27/14	Prepare materials for production	AMD	0.10	\$19.50
10/28/14	Work on summary judgment motion; notice of deposition for Orange Legal Technologies; work on other discovery matters; calls with Matt Pierce; coordinate on expert depositions; work with Alaina Davio regarding production of additional material; emails to Matt on research and ability to cite the Benaroya case; conference with Britenae on scope of summary judgment motion	RK	6.40	\$2,496.00
10/28/14	Strategize regarding summary judgment motion and potential issues for trial	BMP	0.30	\$93.00
10/28/14	Review file for missing deposition exhibits	AMD	0.10	\$19.50
10/28/14	Prepare materials for production	AMD	0.80	\$156.00
10/28/14	Review and calendar relevant dates deadlines re; 30(b)(6) telephonic dep of Orange Legal Technologies	KJH	0.10	\$8.00
10/28/14	Research on Burlington lease issue regarding citation to unpublished cases; draft e-mail to R. Kindley regarding same	TSO	1.80	\$522.00
10/29/14	Work on summary judgment motion; update list of tasks for the case; call with Matt Pierce; carefully review and annotate the Benaroya case; emails on discovery issue and the deposition relating to Gaube's records; emails with opposing counsel; work regarding expert witness depositions	RK	3.80	\$1,482.00
10/29/14	Prepare materials from B. Finnegan for production	AMD	1.70	\$331.50
10/30/14	Finalize motion for partial summary judgment; prepare for and depose Orange Legal Technologies; call with Sage Linn; call with Matt Pierce; emails with Mack and Mike	RK	3.20	\$1,248.00

10/30/14	Emails with Party City counsel and R. Kindley regarding subpoena and latest information on deposition	BMP	0.30	\$93.00
10/30/14	Prepare materials received from Lacey Marketplace for addition to production database for search and review	AMD	0.40	\$78.00
10/31/14	Work on expert witness deposition issues; obtain photos from Jeremy; review letters producing other documents	RK	2.10	\$819.00
10/31/14	Prepare materials produced by UFA for addition to production database for search and review	AMD	0.10	\$19.50
10/31/14	Search for photographs of building produced by Burlington Retail	AMD	0.60	\$117.00
10/31/14	Load documents produced by Lacey Marketplace (LM008) into production database	JPS	0.75	\$56.25
10/31/14	Load production by UFA (UFA 103014) into Concordance production database	JPS	1.00	\$75.00
10/31/14	Review and calendar relevant dates/deadlines re; Dep of Lorraine Barrick at Slinde Nelson and Brian Finnegan	KJH	0.10	\$8.00
10/31/14	Review and calendar relevant dates and deadlines re; Plaintiff's motion for partial summary judgment re measure of Damages	KJH	0.10	\$8.00
11/03/14	Emails with Judge Robart's clerk and others regarding hearing and discovery matters	RK	1.10	\$429.00
11/03/14	Emails with court regarding discovery issues and hearing; confer with R. Kindley regarding hearing for same; briefly review documents for same	BMP	0.60	\$186.00
11/03/14	Review and calendar relevant dates/deadlines re; JAMS invoice to be paid by 11/10	KJH	0.10	\$8.00
11/03/14	Review and calendar relevant dates/deadlines re; Mediation paper due to Larry Mills in San Francisco	KJH	0.10	\$8.00
11/04/14	Prepare for and attend court hearing relating to document production of Alamo and others; call with Mick, Mike and Mack; work regarding follow-up on matters from the hearing and other discovery issues; email to Sage Linn	RK	2.50	\$975.00
11/04/14	Draft ESI agreement email to Impact Law Group re proper collection and production	AMD	0.40	\$78.00

11/05/14	Calls and emails concerning expert depositions; mediation submissions; document production from Alamo and other matters	RK	2.90	\$1,131.00
11/05/14	Review and calendar relevant dates/deadlines re; Linn to produce all documents to us,if not produced we will file motion and show up in court 11/10 @ 10:00 am	KJH	0.10	\$8.00
11/06/14	Long call with Mack on pictures of buildings and mediation and other issues; call with Matt Pierce; call from Finnegan; work with Alaina Davio on production; email with Sage Linn	RK	3.30	\$1,287.00
11/06/14	Review materials received from Alamo	AMD	0.80	\$156.00
11/06/14	Load material received from Alamo into Concordance for search and review	AMD	1.70	\$331.50
11/06/14	Prepare materials for review by R. Kindley	AMD	0.40	\$78.00
11/06/14	Update production log re materials received from Alamo	AMD	0.20	\$39.00
11/07/14	Work on getting the documents from Gaube; work on email to Lorraine about the fraudulent transfer cause of action; call with Brian Finnegan about his deposition and his preparation necessary; emails with Mack and Tyler regarding documents and information sent to Gaube; begin review of recent Gaube production	RK	3.30	\$1,287.00
11/07/14	Prepare bank records for attorney review	AMD	0.70	\$136.50
11/07/14	Update production log re materials received from Lacey Marketplace	AMD	0.20	\$39.00
11/07/14	Search documents for letter from City of Burlington	AMD	0.40	\$78.00
11/10/14	Call with Matt Pierce on possible motions; work regarding upcoming expert depositions; arrange for production of pictures; work on mediation submission	RK	2.90	\$1,131.00
11/10/14	Prepare bank records for attorney review	AMD	0.30	\$58.50
11/10/14	Prepare photos for production	AMD	1.30	\$253.50
11/10/14	Burlington Retail filing	AMD	0.30	\$58.50
11/11/14	Prepare for depositions of experts; work on mediation letter; call and emails with Matt Pierce; emails with Mack about depositions	RK	5.20	\$2,028.00
11/11/14	Compile materials in preparation for depositions	AMD	1.70	\$331.50

11/12/14	Work on outline and prepare for expert depositions; meeting with Lorraine Barrick to go over her testimony and prepare her for her deposition; meeting with Brian Finnegan to prepare him for his deposition; emails with Jeremy about certain points	RK	6.30	\$2,457.00
11/12/14	Research opposing counsel's experts in preparation for depositions	AMD	1.30	\$253.50
11/12/14	Update production log re materials received from Lacey Marketplace	AMD	0.10	\$19.50
11/13/14	Work on mediation submission; prepare for expert depositions; call with Lorraine and Matt	RK	4.90	\$1,911.00
11/14/14	Prepare for and attend depositions of Barrick and Finnegan; call with Mack and Mike; coordinate work on mediation materials with Matt Pierce; review various new exhibits produced	RK	7.40	\$2,886.00
11/14/14	Meeting with M. Pierce and R. Kindley regarding expert depositions and mediation letter	BMP	0.50	\$155.00
11/14/14	Prepare exhibits for mediation	AMD	0.30	\$58.50
11/17/14	Work on mediation submission and supporting documents; call with Mike Hess; calls with Matt Pierce; review materials submitted by Sportsman's	RK	3.60	\$1,404.00
11/18/14	Review all the opposition to the summary judgment and mediation responses; call with Matt; call to Mike and exchange emails with him; begin working on reply pleadings	RK	4.90	\$1,911.00
11/18/14	Prepare B. Weisfield prior case dockets for attorney review	AMD	0.30	\$58.50
11/18/14	Search for correspondence re April 2013 Purchase and Sale Agreement	AMD	1.30	\$253.50
11/19/14	Call with Matt Pierce regarding response on motions; work on drafting reply brief and further review of opposition; calls and emails regarding mediation	RK	2.80	\$1,092.00
11/19/14	Prepare materials for transmittal to Foster Pepper	AMD	0.20	\$39.00
11/20/14	Draft reply memo and declaration for Mack; emails with Matt Pierce; call with mediator Larry Mills; email to clients	RK	3.90	\$1,521.00

11/21/14	Finalize reply brief and declaration of Mack; calls with Mack; multiple calls with Matt Pierce on brief and on mediation strategy, prepare for mediation; review cases cited by UFA and Sportsman's	RK	4.90	\$1,911.00
11/23/14	Prepare for mediation; check facts of opposing parties; review law	RK	1.80	\$702.00
11/24/14	Attend mediation; follow-up after on points from discussion	RK	8.40	\$3,276.00
11/25/14	Calls with Matt Pierce about information in the Spokane case; review briefing on that and the contradictory Gaube declarations; email regarding jury consultant; work regarding briefing on motions	RK	2.90	\$1,131.00
11/26/14	Review of defendants' multiple summary judgment motions; work on assessment of responses; emails regarding jury consultants; review of depositions	RK	3.90	\$1,521.00
12/02/14	Work regarding identifying and researching jury consultants; call with Mick Tronquet; emails from defense counsel on length of trial; email with Clay Crippen; email from Barrick on corrections to deposition transcript	RK	1.80	\$702.00
12/03/14	Call with Larry Mills; work regarding summary judgment responses; call with Jeff and Matt; review legal authorities for summary judgment response; emails with Mack and Mike; outline responsive issues for briefing	RK	4.40	\$1,716.00
12/03/14	Review motions and supporting documents; review cases cited in support of claims; outline issues regarding potential response; telephone conference with R. Kindley regarding same	TSO	2.50	\$725.00
12/04/14	Call with Mike, Mack, and Scott; call with Teru Olsen about legal research for response brief on summary judgment; call with jury consultant; emails on the above and on the length of trial with other defendants	RK	2.30	\$897.00
12/04/14	Prepare materials for transmittal to Foster Pepper	AMD	0.30	\$58.50
12/04/14	Telephone conference with R. Kindley; review summary judgment motions relating to case authority and piercing the corporate veil issues; begin working on discussion points for attorney fee claim response	TSO	2.80	\$812.00

12/05/14	Call with Mack DuBose; emails with Stu Utgaard regarding lease and calls; review legal research from Teru Olsen and inquire about other case law; emails with Matt and others on jury consultant work; work on response to summary judgment	RK	3.20	\$1,248.00
12/08/14	Prepare for and hold call with Stu Utgaard; call and emails with Matt Pierce on the summary judgment responses; emails with Jeremy and Mack concerning emails from UFA on guarantee; emails with jury consultants about meeting and with paralegal A. Davio	RK	4.90	\$1,911.00
12/08/14	Review documentation relating to summary judgment motion and assignment of lease with regards to piercing the corporate veil and tortious interference claims	TSO	1.00	\$290.00
12/09/14	Work on responding to multiple summary judgment motions; calls and emails with Mack; work with Teru Olsen on legal research and arguments; draft declaration for Stu Utgaard and send along with lease provisions to him; review of depositions for opposition purposes	RK	6.10	\$2,379.00
12/09/14	Review case law regarding piercing the corporate veil and comparison with Utah and Washington law; discuss bankruptcy discharge issue with R. Kindley regarding liability of Sportsmans Warehouse; draft alternate section on attorney fee provision; work on attorney fee response section relating to tort claims on the contract and alter ego liability on contractual liability provision; cite check cases from opposing brief	TSO	6.70	\$1,943.00
12/10/14	Calls with Mack; call with Stu Utgaard; call with Matt Pierce; work on drafting declaration of Mack and obtaining exhibits to use for declaration; work with Teru Olsen on briefing; revise Utgaard declaration; review sections of briefing on attorneys' fees	RK	6.10	\$2,379.00
12/10/14	Compile materials for attachment to the deposition of J. DuBose	AMD	1.00	\$195.00
12/10/14	Review and calendar relevant dates/deadlines re; UFA's motion to extend length of trial	KJH	0.10	\$8.00



12/10/14	Research and review cases related to tortious interference claims and promissory estoppel claims considered "on the contract" for attorney fee issues; conference with R. Kindley regarding declaration of former Sportsmans Warehouse CEO; review documents related to lease assignment and factual bases for tortious interference claim	TSO	4.80	\$1,392.00
12/11/14	Work on responses to both summary judgment motions; legal research; emails and calls with Clay regarding numbers for Mack's declaration; further drafting and edits to Mack's declaration; meetings with Teru Olsen on analysis and caselaw; emails with Matt on same	RK	8.80	\$3,432.00
12/11/14	Research on promissory estoppel issues regarding elements, WA case law on implied promises, and Collateral Assignment; telephone conference with R. Kindley regarding same	TSO	2.80	\$812.00
12/12/14	Work on briefing in response to both summary judgment motions; multiple calls with Mack about his declaration and revisions; call with Matt coordinating exhibits and briefing; conference with Teru Olsen about claims and legal research	RK	8.10	\$3,159.00
12/12/14	Review R. Kindley draft and make revisions and citation updates; review cases cited in Gordon Tilden insert	TSO	2.20	\$638.00
12/13/14	Work on revising briefing and declaration of Mack; emails with Matt on above; find, collate, and cross check exhibits; review exhibits and deposition citations of Sportsmans and UFA briefing	RK	4.70	\$1,833.00
12/14/14	Work on briefing, declarations, exhibits, and use of unpublished decisions	RK	2.80	\$1,092.00
12/15/14	Finalize and arrange for filing of briefs and Mack's declaration; calls with Mack; multiple calls with Matt coordinating citations, exhibits and various aspects of briefing; work with Alaina Davio regarding additional citations and exhibits	RK	7.10	\$2,769.00
12/15/14	Prepare hot documents produced by Alamo for review	AMD	0.40	\$78.00

12/16/14	Review pleadings filed by Alamo and the Gaube declaration; call with Matt regarding meeting with jury consultants; briefing on motions and the response to the Alamo "joinder"; emails to clients with pleadings and other information	RK	3.20	\$1,248.00
12/17/14	Draft response to motion to extend trial length; emails regarding jury consultants; call with Matt on strategy for responding to Alamo; draft notice of intent to file surreply and draft of surreply; begin gathering information for review by jury consultants for their meeting with clients	RK	3.30	\$1,287.00
12/17/14	Coordinate set up for trial consultant meeting	AMD	0.70	\$136.50
12/18/14	Finalize surreply to strike Gaube's joinder in summary judgments; work on analysis for jury consultants; begin working on pretrial order, emails with Matt to coordinate; emails with jury consultants and clients regarding meeting	RK	4.50	\$1,755.00
12/19/14	Work on pretrial statement, witnesses and exhibits for trial; begin selection of various exhibits and compiling information for pretrial statement; emails with Matt Pierce to coordinate	RK	3.90	\$1,521.00
12/22/14	Work on pretrial order information and exhibit designation for trial; meeting with paralegal Davio, email with jury consultant	RK	2.90	\$1,131.00
12/22/14	Draft exhibit list in preparation for trial	AMD	0.70	\$136.50
12/23/14	Work on pretrial statement; exchange of emails with jury consultant, clients and Matt Pierce; begin review of other documents produced but not used at depositions for possible exhibits	RK	2.60	\$1,014.00
12/23/14	Compile exhibits in preparation for trial	AMD	3.30	\$643.50
12/24/14	Call with Dennis Brooks about Tsongas availability; call with Matt Pierce regarding exhibits and jury information; review of recently produced Gaube documents for possible exhibits; work with Alaina Davio regarding exhibits and pretrial statement; draft various sections of pretrial statement	RK	4.10	\$1,599.00
12/29/14	Review and respond to email from Matt Pierce on exhibit list for pretrial statement	RK	1.10	\$429.00
12/30/14	Continue to draft exhibit list and compile exhibits in preparation for trial	AMD	5.50	\$1,072.50

12/31/14	Continue to draft exhibit list in preparation for trial	AMD	1.10	\$214.50
12/31/14	Review Judge Hobart's court rules in preparation for trial	AMD	0.20	\$39.00
12/31/14	Compile exhibits in preparation for trial	AMD	2.20	\$429.00
01/05/15	Further work on plaintiffs' combined pretrial statement and designation of witness descriptions, exhibits and reservation of rights depending on motion; call with Matt Pierce; call with Alaina Davio; preparation for meeting with jury consultants	RK	5.90	\$2,301.00
01/05/15	Continue to draft exhibit list in preparation for trial	AMD	1.10	\$214.50
01/05/15	Compile exhibits in preparation for trial	AMD	2.20	\$429.00
01/06/15	Prepare for and attend meeting with jury consultants; work on issues relating to motions in limine and other tasks necessary for trial; follow-up with Matt to divide work load	RK	7.20	\$2,808.00
01/06/15	Attend trial strategy meeting	AMD	5.80	\$1,131.00
01/06/15	Prepare for trial strategy meeting including set up conference room equipment	AMD	1.00	\$195.00
01/06/15	Summarize trial strategy meeting notes	AMD	0.60	\$117.00
01/06/15	Verify trial exhibit list (171 exhs) as to description, date, author and recipients and all observable bates numbers assigned to the exhibits; make extensive edits to exhibit chart in preparation for exchange of the Exhibit List	AMK	3.10	\$604.50
01/06/15	Research on FRE 408 and Robart decisions on motions in limine and admissibility on settlement agreements; work on drafting section on FRE 408	TSO	1.20	\$360.00
01/07/15	Emails from defense counsel regarding court required conference on motions in limine; call with Matt; email to Mack and Clay regarding amortization of initial building costs; work regarding drafting motions	RK	1.80	\$702.00
01/07/15	Continue to compile exhibits in preparation for trial	AMD	1.70	\$331.50

01/07/15	Research 9th Circuit case law regarding motions in limine for adding defendants, relevancy and personal income of LLC members; continue work on FRE 408 motion in limine and begin work on section for motion in limine regarding personal income and adding Sportsman's as defendant	TSO	3.00	\$900.00
01/08/15	Work on motions in limine; call with Matt; research and draft fact specific aspects of motions	RK	5.50	\$2,145.00
01/08/15	Continue work on motion in limine sections; review deposition transcripts of members and pull documents for use as exhibits in Dec of R. Kindley	TSO	2.40	\$720.00
01/09/15	Work on motions in limine; call with Matt on various strategy concerns; work with Teru Olsen regarding points in briefing; emails with Clay regarding exhibit on damages	RK	3.90	\$1,521.00
01/09/15	Continue to summarize notes from trial strategy meeting	AMD	0.80	\$156.00
01/09/15	Revise motion in limine sections; review Dubose declaration and make edits to motion in limine sections; send same to R. Kindley	TSO	3.00	\$900.00
01/12/15	Participate in court required meet and confer on motions in limine; finalize motions and my declaration; call with Matt regarding other aspects of case; email from jury consultants; review report from jury consultants	RK	5.40	\$2,106.00
01/12/15	Work on jury instructions	TSO	2.10	\$630.00
01/13/15	Work on motions; call with Matt; emails with Clay; work on general trial preparation	RK	2.80	\$1,092.00
01/13/15	Compile exhibits for motions in limine	AMD	0.40	\$78.00
01/13/15	Work on jury instructions for trial	TSO	1.90	\$570.00
01/14/15	Review and analyze email from Clay regarding depreciation of stores; review of motions filed by defendants	RK	1.80	\$702.00
01/15/15	Review of defendants' pretrial statements	RK	0.90	\$351.00
01/15/15	Work on jury instructions	TSO	1.00	\$300.00
01/16/15	Work regarding trial exhibit issues; review exhibits from all other defendants; work with Alaina Davio regarding organizing for our records; review of briefing issues on motions	RK	3.80	\$1,482.00
01/16/15	Prepare UFA exhibits for review by R. Kindley in preparation for trial	AMD	1.10	\$214.50
01/16/15	Contact Sportsman's re request for trial exhibits	AMD	0.20	\$39.00

01/16/15	Work on jury instructions; research 9th Circuit cases and Washington cases on alter ego and mitigation instructions; work on citations for instructions	TSO	2.10	\$630.00
01/19/15	Work on pretrial order requirements and review and assignment of motions in limine	RK	1.40	\$546.00
01/20/15	Email to Clay Crippen; meet with Teru about responding to motions and jury instructions; call with opposing counsel on depositions; emails with all other counsel; work on motions, deposition designation and case preparation	RK	5.90	\$2,301.00
01/20/15	Prepare list of questions for clerk in preparation for trial	AMD	0.70	\$136.50
01/20/15	Review motions in limine and prepare opposition; research federal case law regarding same; work on jury instructions for FRCP 51 exchange	TSO	8.00	\$2,400.00
01/21/15	Mark designated portions of Bob Nelson deposition; call with Alaina Davio regarding courtroom protocols and issues; call with Teru regarding checking on the cases involving Gaube; call with Matt Pierce on pretrial order, motions in limine, deposition designations and other trial matters	RK	4.90	\$1,911.00
01/21/15	Discuss trial preparations with R. Kindley	AMD	0.50	\$97.50
01/21/15	Work on opposition to motion in limine; review Barrick materials deposition and report; conference with R. Kindley regarding same	TSO	5.60	\$1,680.00
01/22/15	Work on jury instructions; work on motion in limine opposition; calls with Matt; work with Teru regarding other cases against Gaube; emails with opposing counsel; work on objections to exhibits; call with Clay Crippen on amortization and other issues; finalize deposition designations of Nelson	RK	7.20	\$2,808.00
01/22/15	Prepare deposition designation	AMD	0.80	\$156.00
01/22/15	Contact clerk in preparation for trial	AMD	0.50	\$97.50
01/22/15	Work on jury instructions and verdict form; telephone calls to plaintiffs' counsel regarding Alamo cases and Gaube	TSO	2.50	\$750.00

01/23/15	Prepare for and participate in court required call with all defendants regarding pretrial order; work on revisions to pretrial order as required by the rules; work on trial exhibits; call with Matt on witnesses and other matters; calls and emails with Alaina Davio and Clay regarding invoice detail and trial exhibit issues; work on motions in limine responses and opposition; work on case analysis for trial	RK	8.20	\$3,198.00
01/23/15	Prepare documents for production to defendant	AMD	2.80	\$546.00
01/23/15	Compile exhibits in preparation for trial	AMD	0.90	\$175.50
01/23/15	Follow up with R. Kindley regarding questions on jury instructions	TSO	0.30	\$90.00
01/25/15	Work regarding exhibits to be produced, objections to defendants exhibits, and draft jury instructions	RK	1.30	\$507.00
01/26/15	Work on exhibits of opposing parties; email with Clay regarding our exhibits; work regarding SW motions in limine; further revisions and work on proposed jury instructions; multiple calls with Matt on objections to exhibits and motions	RK	7.10	\$2,769.00
01/26/15	Continue to prepare invoices for production	AMD	0.40	\$78.00
01/27/15	Work on jury instructions; work on motions in limine; call with Mack; multiple calls with Matt coordinating instructions and jury verdict form; review instructions from other defendants; work on opposition to UFA motions in limine; review case law on fraudulent transfer	RK	8.10	\$3,159.00
01/27/15	Compile exhibits in preparation for trial	AMD	3.30	\$643.50
01/27/15	Update exhibit list in preparation for trial	AMD	0.70	\$136.50
01/28/15	Prepare for and hold conference call with defense counsel on pretrial order; work on responses to motions in limine; coordinate with Alaina Davio given the court's information about exhibits; review and analyze impact of summary judgment order; call with Matt; call with Mike Hess on implications and impact of order	RK	7.60	\$2,964.00
01/28/15	Load exhibits into Trial Director in preparation for trial	AMD	4.30	\$838.50
01/28/15	Work on opposition to motion in limine regarding Barrick report and testimony	TSO	1.20	\$360.00



01/29/15	Call with Mack, Scott and Clay; call with Matt regarding how order changes exhibits and other matters; email from defense counsel on jury instructions; work on responding to multiple motions in limine; review of some deposition designations; email to Lorraine Barrick regarding orders, trial time and witness preparation	RK	7.70	\$3,003.00
01/29/15	Continue to compile exhibits in preparation for trial	AMD	2.00	\$390.00
01/30/15	Draft oppositions to all motions in limine and send to Matt Pierce; work regarding jury instructions in light of summary judgment orders; conference with Teru concerning apportionment of liability instructions; work on trial brief issues; call with mediator Larry Mills; exchange emails with Jeremy concerning pictures to use as evidence	RK	7.30	\$2,847.00
01/30/15	Continue to prepare exhibits for trial	AMD	0.70	\$136.50
01/30/15	Work on opposition to motion in limine regarding Barrick testimony; send same to R. Kindley; conference with R. Kindley regarding jury instruction and comparative fault issues	TSO	1.50	\$450.00
01/31/15	Work on motion in limine opposition to Gaube motion; revise response to UFA; begin review of Gaube deposition	RK	2.30	\$897.00
02/01/15	Work on response to Alamo motion in limine; read and annotate Gaube's deposition for trial purposes and to respond to motions; further revisions to pretrial order in light of summary judgment order	RK	2.70	\$1,053.00
02/02/15	Work on final of oppositions to motions in limine of defendants; multiple calls with Mack and Scott; calls with Jeremy; work with Alaina Davio on exhibits; review plans and specs on Burlington; multiple calls with Matt regarding use as exhibits or demonstrative; review bank records of Alamo and WSS; review emails from defendants on pretrial order information and designations of Nelson deposition	RK	9.30	\$3,627.00
02/02/15	Compile exhibits in preparation for trial	AMD	0.50	\$97.50
02/02/15	Prepare client documents for production	AMD	0.40	\$78.00
02/02/15	Research on comparative fault issues	TSO	0.60	\$180.00

02/03/15	Prepare for and attend meeting with Jeff and Matt for trial preparation; call with all clients regarding summary judgment order, motions in limine, exhibits and testimony and current case status; work on pretrial order; call with Matt on defendants' revisions to order; work on deposition designations of ex-CEO Nelson and objections to defendants designations; work on jury instructions and issues of law	RK	8.80	\$3,432.00
02/03/15	Contact court reporter re daily transcripts	AMD	0.10	\$19.50
02/03/15	Continue to compile exhibits in preparation for trial	AMD	0.20	\$39.00
02/03/15	Highlight deposition designations in preparation for trial	AMD	0.80	\$156.00
02/03/15	Request from A. Davio; prepare exhibit binders	KJH	6.00	\$480.00
02/03/15	Calls to various attorneys regarding Alamo judgments; send same to R. Kindley	TSO	0.90	\$270.00
02/04/15	Work on pretrial order and finalizing deposition designations, objections, and responses to defendants' objections for Nelson deposition; work on jury verdict form and research case law and issues on it; multiple calls with Matt Pierce; lengthy call with Mack and Joanna regarding pretrial order, exhibit list and admissibility of exhibits; call with Jeremy regarding pictures and plans	RK	8.10	\$3,159.00
02/04/15	Review Sharewell for drawings and download in preparation for trial; phone call to J. DuBose re same	AMD	1.40	\$273.00
02/04/15	Continue to compile trial exhibits in preparation for trial	AMD	2.90	\$565.50
02/04/15	Highlight and enter counter designations and objections to J. Nelson deposition designations	AMD	2.30	\$448.50
02/04/15	Quality review the Judge's set of all trial exhibits and identify suggested changes and omissions	AMK	1.30	\$253.50
02/04/15	Conference with R. Kindley regarding comparative fault; send e-mail to R. Kindley regarding other Alamo cases	TSO	0.40	\$120.00

02/05/15	Meeting with Jeff and Matt to outline case strategy and preparation; work on jury instructions; emails with Mack and Mike; work with Alaina Davio and Jeremy emails regarding pictures, plans and testimony; begin work on points for trial brief	RK	7.10	\$2,769.00
02/05/15	Trial preparation including compilation of trial exhibits; prepare deposition transcripts for presentation at trial	AMD	2.40	\$468.00
02/05/15	Trial strategy meeting with R. Kindley, M. Pierce, and J. Tilden	AMD	1.50	\$292.50
02/05/15	Request from A. Davio; create trial notebooks	KJH	0.30	\$24.00
02/06/15	Further revisions to jury instructions; email to all counsel as required by rules concerning "joint instructions"; work on demonstrative exhibits; work with Alaina Davio on estimated times for each of plaintiffs' witnesses on examination; emails to clients about preparation times for testimony; work on briefing and general trial preparation	RK	6.60	\$2,574.00
02/06/15	Continue to prepare for trial including: deposition designations, create witness time estimates; update trial exhibit list; update trial exhibits	AMD	5.40	\$1,053.00
02/07/15	Work on preparing for court pretrial conference; review of depositions; work on demonstrative exhibits; work on revising jury instructions; work on possible questions for jurors	RK	4.50	\$1,755.00
02/09/15	Prepare for pretrial conference including review of all motions in limine and responses; work on jury instructions; emails with all clients; work with Matt on trial times and demonstrative exhibits; work with Alaina Davio regarding exhibits and admissibility issues; attend pretrial conference; emails to clients about case and moving the meetings	RK	8.20	\$3,198.00
02/09/15	Update exhibit list and exhibits; prepare for pretrial conference	AMD	4.10	\$799.50
02/09/15	Attend pretrial conference; discuss trial set up with court clerk	AMD	2.00	\$390.00

02/10/15	Designate portions of George Koppe deposition for trial; email to Matt and Jeff concerning division of duties and efficiencies in light of 12 hour limit; lengthy call with Clay, Mack, Scott, and Mike and Matt; separate call with Matt on Hoefer and other matters; letter to Judge about trial evidence and admission of people; work with Alaina Davio on exhibits and other pretrial matters; respond to objections on Koppe designations by UFA; email to Matt and Alaina Davio on same	RK	6.90	\$2,691.00
02/10/15	Trial preparation including: draft letter to Judge Robart re permission to bring supplies; prepare trial equipment and trial supplies; prepare court ordered exhibit tag	AMD	3.00	\$585.00
02/11/15	Work on responses to objections on Koppe deposition; call with Matt; emails regarding filing the deposition; emails with Clay on invoices for Burlington; work on questions for the judge to ask in voir dire; review of defense counsel email on experts and expert reports and testimony	RK	5.60	\$2,184.00
02/11/15	Trial preparation including: deposition designation, prepare exhibits for transmittal to Lacey Marketplace	AMD	3.30	\$643.50
02/12/15	Multiple calls with Mack about waiving the jury and jury selection/instructions; multiple calls with Matt on same topics and on trial briefs, experts, etc.; work on revising jury instructions given court's various rulings; multiple emails to defense counsel on instructions, briefs, waiving jury, trial matters, etc.; review case law and research on various points of the law to recite in the instructions and to use to respond to defendants' proposed instructions	RK	8.90	\$3,471.00
02/12/15	Trial preparation including trial exhibits, update spreadsheet exhibits; compare spreadsheets to identify differences	AMD	1.40	\$273.00

02/13/15	Work on disputed jury instructions; multiple calls and emails with Matt; emails with defense counsel; email from court on trial brief; begin working on objections to defendants' instructions; call to Mack regarding Hoefer; call with Matt on follow-up on experts	RK	6.10	\$2,379.00
02/13/15	Trial preparations including: update exhibit list, deposition designations, follow up with court reporter re pretrial hearing transcript; contact court reporters re daily transcripts, distribute deposition designations to all parties	AMD	4.20	\$819.00
02/16/15	Work on objections to defendants' proposed instructions, call with Matt; emails with clients and counsel on possible settlement; review proposed voir dire questions; work on review of depositions	RK	3.80	\$1,482.00
02/17/15	Work on jury instruction objections and alternative instructions; review cases cited by defendants; multiple calls with Matt; call with John Nelson; emails among all counsel; work on final version of jury voir dire to be asked by judge	RK	8.10	\$3,159.00
02/17/15	Prepare exhibits for use at trial	AMD	1.60	\$312.00
02/18/15	Work on trial brief issues; work on diagram of transaction for demonstrative purposes; work with Bryan Graff regarding research on joint and several liability and apportionment; begin preparation for meeting with clients; work on witness exams and timing issues	RK	5.20	\$2,028.00
02/18/15	Trial preparations including: create jury chart; update exhibit list; update trial binders; update exhibits in Trial Director	AMD	3.70	\$721.50
02/18/15	Conference with R. Kindley concerning issues of joint and several liability for UFTA and tortious interference claims; legal research regarding same	BCG	4.20	\$1,575.00
02/19/15	Draft trial brief and make revisions to certain sections; work regarding UFA experts and analysis of whether they can testify; call with Mike Hess; work with Alaina Davio on demonstrative exhibits and trial matters; continue with outlines for witness testimony; review of exhibits in light of time restrictions	RK	9.40	\$3,666.00
02/19/15	Continue to prepare exhibits for use at trial	AMD	5.70	\$1,111.50

02/19/15	Legal research and analysis regarding joint and several liability for UFTA and tortious interference claims; prepare associated sections of trial brief	BCG	10.00	\$3,750.00
02/20/15	Work regarding UFA experts and limiting or eliminating their testimony; call with Ron Hoefer; email to clients with documents and prepare for Monday meeting; work on exhibits and outlines of testimony for trial; finalize draft of trial brief and send to Matt and Jeff; multiple calls with Jeff; emails from court regarding hearing on experts and case	RK	7.80	\$3,042.00
02/20/15	Trial preparation including: load jury instructions for use at trial; update casadata in preparation for trial; prepare demonstrative exhibits for transmittal to M. Pierce; review exhibit presentation; update exhibits with clean copies	AMD	5.60	\$1,092.00
02/20/15	Work on insert to trial brief; legal research in support of same; confer with R. Kindley regarding same	BCG	3.90	\$1,462.50
02/21/15	Work on letter to Robart about experts; continue on witness outlines and selection of exhibits to use with witnesses	RK	2.90	\$1,131.00
02/22/15	Work on exhibit culling; emails with Matt; work on witness outlines; prepare for meetings on Monday and emails to Matt and Jeff with agendas/items to cover	RK	5.70	\$2,223.00
02/23/15	Prepare and hold meetings with all counsel; then meetings with clients; then prepare and attend hearing with Judge on UFA experts; continue work on trial preparation	RK	8.90	\$3,471.00
02/23/15	Trial preparation including: prepare for trial meeting; attend trial meeting; prepare exhibit list for transmittal to J. DuBose; update invoice exhibits re additional invoices; update trial exhibits; request transcript of phone hearing from court reporter	AMD	6.70	\$1,306.50



02/24/15	Work on trial preparation; calls with Matt; review transcript of hearing on experts from court; conferences with Alaina Davio; work on demonstrative exhibits; call with Mike Hess; emails with Ron Hoefer; work on DuBose examination; email to Clay and Mack	RK	9.30	\$3,627.00
02/24/15	Trial preparation including: prepare updated Lacey trial exhibits for transmittal to all counsel; prepare trial notebook; update trial exhibits; search for replacement exhibits	AMD	4.30	\$838.50
02/25/15	Review trial briefs; work on examinations and prepare for meeting with Mack; calls with Jim Nordale; calls with Matt Pierce; work on general trial preparation and exhibits; call with Darian Stanford; call with Jeff and Matt; review deposition transcripts	RK	12.20	\$4,758.00
02/25/15	Trial preparation including: replace exhibits in Trial Director; review witness files; process court reporter invoices; prepare slides for opening; prepare impeachment exhibit; trial supplies; update Sportsman's exhibits	AMD	7.30	\$1,423.50
02/25/15	Confer with R. Kindley regarding issues presented in opposing counsel's trial briefs; review same	BCG	1.40	\$525.00
02/26/15	Work on trial preparation; lengthy meeting with Mack and Jeremy and Clay; lengthy meeting with Ron Hoefer; call with UFA counsel; work on exhibit issues and which exhibits to use for opening	RK	10.90	\$4,251.00
02/26/15	Trial preparation including: update trial exhibits; prepare materials for transmittal to court; compare duplicate exhibits and documents to identify best quality exhibit; trial supplies; prepare for client meeting	AMD	8.40	\$1,638.00
02/26/15	Analysis of UFA brief and "collapsing" doctrine issues	BCG	1.20	\$450.00
02/27/15	Work on opening exhibits and PowerPoint for opening statement; meeting with Mack and Jeremy to work on Mack's testimony; meeting with Lorraine Barrick regarding her testimony and response to new exhibits; work on trial preparation and further testimony; review analysis of UFA trial brief arguments	RK	11.10	\$4,329.00

02/27/15	Trial preparation including: prepare materials for transmittal to court; test presentation equipment; update exhibits; prepare exhibits for transmittal to court; meet with court clerk re trial; set up court and witness room; load trial computers	AMD	11.50	\$2,242.50
02/27/15	Analysis regarding UFA's trial brief arguments concerning "collapsing" transaction doctrine and joint and several liability issues; prepare memo to R. Kindley regarding same	BCG	3.00	\$1,125.00
02/28/15	Work on trial preparation including designation of exhibits for first day of trial; preparation of Gaube questions; review of opening slides of UFA lawyers; emails with Jeff and Matt about trial coordination; work on opening and other aspects of trial	RK	11.60	\$4,524.00
03/01/15	Further trial preparation including emails with Mack; emails with Matt and Jeff; work on examination for Nysetvold; review of Gaube deposition and points to use in examination of him; outline of issues to address with Judge at start of case; work on voir dire issues; work on opening statement	RK	10.20	\$3,978.00
03/02/15	Prepare for and attend first day of trial; spend evening responding to modified issues that arose during opening statements and the judge's comments; work in evening with Matt on legal analysis and responsive letter to the judge on the offset of future rent; prepare for next witnesses	RK	14.40	\$5,616.00
03/02/15	Trial Day 1	AMD	12.70	\$2,476.50
03/03/15	Second day of trial; meet with Mack before trial; preparation on issues of excess rent; review daily transcript of previous day; work on examinations for Nysetvold and Gaube; meeting and calls with Matt after court; review proposed jury instructions	RK	11.90	\$4,641.00
03/03/15	Trial Day 2	AMD	10.60	\$2,067.00
03/03/15	Time keeping	AMD	0.80	\$156.00
03/04/15	Prepare for and attend third day of trial; meeting after court with judge about jury instructions; work in evening preparing for other examinations and in calls with Matt on legal research and the law; emails with Ron Hoefer	RK	14.50	\$5,655.00

03/04/15	Trial Day 3	AMD	11.00	\$2,145.00
03/05/15	Work on case; attend day 4 of trial; work in evening on jury instructions, final testimony and closing	RK	14.90	\$5,811.00
03/05/15	Trial Day 4	AMD	11.30	\$2,203.50
03/06/15	Prepare for and attend last day of trial; work on examination for Ruggiero and closing argument points	RK	10.80	\$4,212.00
03/06/15	Trial Day 5	AMD	8.90	\$1,735.50
03/09/15	Wrap up work on the case; respond to various questions from the jury; go to court to meet with Judge and other lawyers on two lengthy questions from the jury; obtain jury verdict; calls to clients and witnesses	RK	7.20	\$2,808.00
03/09/15	Coordinate pick up of trial equipment and materials from court	AMD	1.60	\$312.00
03/10/15	Research issues regarding appeal and entry of judgment; call with John Nelson; conference call with all clients; emails from Jeff regarding appellate issues and collection	RK	4.30	\$1,677.00
03/10/15	Pick up trial exhibits from court	AMD	1.00	\$195.00
03/11/15	Research about prejudgment interest; call from Mike and Mack regarding Gaube selling Silverdale; research regarding supersedeas bonds and appeals; work regarding possible execution strategies	RK	4.70	\$1,833.00
03/12/15	Call with Matt; call with Mack and Scott; work regarding attorneys' fee motion and motion on prejudgment interest; review 8K filing of Sportsman's	RK	3.90	\$1,521.00
03/13/15	Work on motion for attorneys' fees and on motion for prejudgment interest	RK	3.30	\$1,287.00
03/17/15	Work on multiple motions for prejudgment interest and fees and costs; draft declaration of Barrick and correspond with her by email; call with Matt; call from Mack; review motion of Sportsman's for judgment despite the jury verdict	RK	5.30	\$2,067.00
03/18/15	Work on all motions; call with Matt; call with Mack; email status responding to Scott; call from Rob Andrews	RK	3.60	\$1,404.00
<b>TOTAL FEES</b>				<b>\$572,213.50</b>

**Costs and Expenses**

<b>Description</b>	<b>Amount</b>
Copy Charges	\$825.15
Legal Research	\$2,210.68
Color Copy/Printing	\$157.15
Summons & Complaint - PAYEE: Government of Alberta	\$50.80
Filing Fee/US District Court, Western District of WA - - PAYEE: Roger Kindley	\$350.00
RSC share of process service costs advanced- - PAYEE: Gordon Tilden Thomas & Cordell LLP	\$200.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
E-Discovery E-Discovery	\$300.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$94.50
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$7.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$175.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$7.00
Professional Services - Litigation - - PAYEE: Espy Case Solutions, LLC	\$1,487.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
Transcript/Peter Melnychuk - - PAYEE: Northwest Court Reporters, Inc.	\$701.60
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$20.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$7.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$7.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$99.50
Messenger Service - - PAYEE: Allegiant Business Finance	\$24.00
Airfare to LA on 8/19 for Deposition - - PAYEE: Roger Kindley	\$218.00

Airfare to Calgary on 8/6 for Depositions - -	
PAYEE: Roger Kindley	\$415.75
E-Discovery E-Discovery	\$150.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$30.00
Lodging Expense in Calgary for Depositions - -	
PAYEE: Roger Kindley	\$696.88
Meal Expense in Calgary for Depositions - -	
PAYEE: Roger Kindley	\$54.86
Car Rental / Gas / Parking in Calgary for Depositions - - PAYEE: Roger Kindley	\$169.78
Taxi to Airport for trip to Calgary for Depositions - -	
PAYEE: Roger Kindley	\$45.00
Travel Expenses (Mileage, Taxi, Parking) re trip to LA for deposition of Chris Eastland, 8/19/14 - -	
PAYEE: Roger Kindley	\$92.00
Delivery Charge - - PAYEE: FedEx	\$73.50
Airfare re travel to San Francisco for Deposition of Don Gaube/9/17/14 - - PAYEE: Roger Kindley	\$272.20
E-Discovery E-Discovery	\$450.00
Professional Services - Litigation (1/2 for July, 2014) - - PAYEE: Lorraine Barrick, LLC	\$1,315.21
Professional Services - Litigation (1/2 February 2014 invoice) - - PAYEE: Lorraine Barrick, LLC	\$491.67
Professional Services - Litigation (1/2 April 2014 invoice) - - PAYEE: Lorraine Barrick, LLC	\$1,229.17
Professional Services - Litigation (Retainer)- - PAYEE: Lorraine Barrick, LLC	\$2,500.00
Delivery Charge - - PAYEE: CCE International	\$59.83
Reproduction of Documents - - PAYEE: Espy Case Solutions, LLC	\$261.85
Airfare re travel to Los Angeles, CA for completion of Eastland Deposition- - PAYEE: Roger Kindley	\$224.20
Airfare re travel to Calgary for Deposition- - PAYEE: Roger Kindley	\$358.63
E-Discovery E-Discovery	\$300.00
UCC Search - Out of State- - PAYEE: Fairchild Record Search, Inc.	\$55.00

Corporate Documents/Utah Division of Corps. - PAYEE: Cardmember Service	\$4.00
Delivery Charge - - PAYEE: FedEx	\$111.44
Lodging Expense re travel to San Francisco for Deposition of Gaube- - PAYEE: Roger Kindley	\$634.97
Meals with Mack DuBose re travel to San Francisco for Deposition of Gaube - - PAYEE: Roger Kindley	\$87.80
Mileage re travel to Edmonds for meeting/9/17/14 - PAYEE: Roger Kindley	\$26.88
Travel Expense (Parking/Train) re travel to San Francisco for Deposition of Gaube - - PAYEE: Roger Kindley	\$72.00
Transcript of Christopher Eastland- - PAYEE: US Legal Support	\$1,748.20
Delivery Charge - - PAYEE: FedEx	\$125.35
UCC Search- - PAYEE: Fairchild Record Search, Inc.	\$27.00
Record Search Fee - - PAYEE: CourtTrax	\$12.59
Professional Services - Litigation - - PAYEE: Lorraine Barrick, LLC	\$1,240.00
Transcript/Rob Andrews - - PAYEE: Seattle Deposition Reporters	\$512.90
Transcript/Mack Dubose - - PAYEE: Seattle Deposition Reporters	\$781.35
Transcript/Mike Hess - - PAYEE: Seattle Deposition Reporters	\$752.75
Transcript/Clay Crippen - - PAYEE: Seattle Deposition Reporters	\$256.25
Transcript/Donald F. Gaube - - PAYEE: US Legal Support	\$1,838.79
Delivery Charge - - PAYEE: FedEx	\$130.92
Lodging Expense re travel to Calgary, Canada for Deposition/10/20-10/21/14 - - PAYEE: Roger Kindley	\$533.12
Travel Expense (Taxis) re travel to Los Angeles for Deposition/10/15/14 - - PAYEE: Roger Kindley	\$149.15
Travel Expense (Car Rental, Parking) re travel to Calgary, Canada for Deposition/10/20-10/21/14- - PAYEE: Roger Kindley	\$132.05
Delivery Charge - - PAYEE: FedEx	\$151.63



Transcript/Peter Melynychuk vol 2 - - PAYEE: US Legal Support	\$2,281.25
Transcript/Bruce Darcy Nysetvold - - PAYEE: US Legal Support	\$1,149.50
Delivery Charge - - PAYEE: FedEx	\$172.97
Professional Services/Mediation Fee- - PAYEE: JAMS, Inc.	\$1,075.00
Transcript/Christopher Eastland - - PAYEE: US Legal Support	\$937.25
Professional Services - Litigation - - PAYEE: Lorraine Barrick, LLC	\$6,445.00
Professional Services - Litigation - - PAYEE: Lorraine Barrick, LLC	\$260.00
Hold on Notes/Mike Gutierrez- - PAYEE: US Legal Support	\$152.00
Transcript/George Koppe- - PAYEE: US Legal Support	\$378.00
Transcripts/Lorraine Barrick, Brian Finnegan - - PAYEE: Seattle Deposition Reporters	\$438.75
Delivery Charge - - PAYEE: FedEx	\$34.82
Professional Services - - PAYEE: Lorraine Barrick, LLC	\$3,592.08
Professional Services (Balance Due)- PAYEE: JAMS, Inc.	\$445.00
Transcript/Denys Bradley Vuch - - PAYEE: US Legal Support	\$585.00
Transcript/John Robert Nelson - - PAYEE: US Legal Support	\$1,103.00
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
Meal Expense/Trial Strategy Meeting/1/6/15 - - PAYEE: Gourmondo Catering Co.	\$194.36
Professional Services - - PAYEE: Lorraine Barrick, LLC	\$442.50
Professional Services - Litigation - - PAYEE: Communication Strategies Northwest	\$5,154.50
Witness Fee- - PAYEE: Steve Ruggerio	\$60.00
Record Search Fee - - PAYEE: CourtTrax	\$35.86
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$145.00
Copy Charges	\$500.40
Legal Research	\$158.97

Color Copy/Printing	\$102.90
Transcript - - PAYEE: Nickoline Drury	\$3,025.00
Transcript - - PAYEE: Nancy Bauer	\$33.30
Pretrial Conference - - PAYEE: Nancy Bauer	\$78.65
Meal Expense/Trial Prep - - PAYEE: Specialty's Cafe & Bakery, Inc.	\$34.10
Lunches for Trial Team/3/2/15 - - PAYEE: Gourmondo Catering Co.	\$163.70
Messenger Service - - PAYEE: ABC-Legal Services, Inc.	\$10.00
Lunch for Trial Team/3/3/15 - PAYEE: Gourmondo Catering Co.	\$159.05
Trial Team Lunch/3/4/15- - PAYEE: Homegrown	\$140.98
Snacks for Trial Team - - PAYEE: Faith Garrick	\$100.93
Trial Team Lunches/3/5/15 - PAYEE: Gourmondo Catering Co.	\$163.70
Trial Team Lunches/3/6/15- - PAYEE: Gourmondo Catering Co.	\$163.16
Delivery of Documents to Court/2/27/15 - - PAYEE: MC Delivery, Inc.	\$111.15
The Hoefer Associates, Inc.	\$3,731.88
<b>Total Costs and Expenses</b>	<b>\$59,325.76</b>
<b>TOTAL FEES AND COSTS</b>	<b><u>\$631,539.26</u></b>

## **EXHIBIT B**

**SPORTSMAN'S WAREHOUSE, INC.  
LEASE  
Burlington, Washington**

**THIS LEASE** is entered into as of February 23, 2006, by and between **SHDP ASSOCIATES, LLC**, a Washington limited liability company ("Landlord") and **SPORTSMAN'S WAREHOUSE, INC.**, a Utah corporation ("Tenant").

**RECITALS:**

Landlord is the fee owner of certain real property known as the Sportsman's Plaza located in or near the City of Burlington, Skagit County, Washington, as legally described on Exhibit A attached and as depicted on Exhibit B attached (the "Shopping Center").

Tenant desires (a) to construct a building of approximately 58,000 square feet (the "Building") upon a portion of the Shopping Center, which portion is depicted on Exhibit B attached (the "Premises") and (b) to operate a store within the Building for the sale of sporting goods under the name of "Sportsman's Warehouse" (the "Store").

Landlord has transferred or will transfer Parcel 2 of the Shopping Center (as depicted on Exhibit B) to a third party (the "Other Tenant") for the operation of another retail business (the "Other Tenant Premises").

The parties intend that those portions of the Shopping Center defined as "Common Areas" in paragraph 1.6 of the REA described in Section 1.1 of this Lease (the "Common Areas") will remain for the benefit of Tenant and the Other Tenants and their respective employees, customers and invitees, subject to the terms and conditions of the REA described in Section 1.1 of this Lease.

Landlord desires to lease the Premises to Tenant and Tenant desires to Lease the Premises from Landlord pursuant to the terms and conditions of this Lease.

**NOW, THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Demise of Premises.** Landlord hereby leases the Premises to Tenant and Tenant hereby leases the Premises from Landlord. This Lease will include the nonexclusive right of Tenant and its employees, customers and invitees to access the Premises over, across and through the Common Areas. Additionally, during the Term of this Lease, Landlord hereby covenants and represents to Tenant that at no time will Landlord make any changes in the parking areas, driveways, points of ingress and egress, curbcuts, drive lanes or any other portion of the Common Areas which is located within the area depicted on Exhibit B as the "Zone of Control",

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written notice to Landlord delivered not later than September 1, 2006, in which event neither party will have any further right or obligation as of the date of Landlord's receipt of such notice.

38. **Guarantee of Lease.** This Lease shall be guaranteed by Sportsman's Warehouse Holdings, Inc., a Utah corporation, by executing a Guarantee of Lease in the form attached hereto as Exhibit H.

39. **Attorneys' Fees.** In the event of any action to enforce this Lease, for interpretation or construction of this Lease or on account of any default under or breach of this Lease, the prevailing party in such action shall be entitled to recover, in addition to all other relief, from the other party all reasonably out-of-pocket expenditures for third party attorneys' fees incurred by the prevailing party in connection with such action (including, but not limited to, any appeal thereof).

40. **Nonwaiver.** The failure of either party to insist upon or enforce strict performance by the other party of any of the provisions of this Lease or to exercise any rights or remedies under this Lease shall not be construed as a waiver or relinquishment to any extent of such party's right to assert or rely upon any such provisions or rights in that instance if compliance is still possible and reasonable or in any other instance; rather, the same shall be and remain in full force and effect.

41. **Survival.** The provisions of Paragraphs 17 and 26, and all other provisions of this Lease which may reasonably be interpreted or construed as surviving the expiration or termination of this Lease, shall survive the expiration or termination of this Lease.

42. **Entire Agreement.** This Lease sets forth the entire agreement of the parties, and supersedes any and all prior agreements, with respect to Tenant's lease of the Building and the Premises. This Lease shall be construed as a whole. All provisions of this Lease are intended to be correlative and complementary.

43. **Amendment.** No amendment, change or modification of any provision of this Lease shall be valid unless set forth in a written amendment to this Lease signed by Landlord and Tenant.

44. **Successors and Assigns.** Subject to the restrictions on assignments and subletting by Tenant set forth in Paragraph 24, this Lease shall be fully binding upon, inure to the benefit of and be enforceable by the successors, assigns and legal representatives of the respective parties. If Tenant is comprised of more than one person or entity, each such person or entity shall be jointly and severally liable under this Lease.

45. **Implementation.** Each party shall take such action (including, but not limited to, the execution, acknowledgment and delivery of documents) as may reasonably be requested by the other party for the implementation or continuing performance of this Lease.

46. **Invalid Provisions.** The invalidity or unenforceability of any provision of this Lease shall not affect the other provisions hereof, and this Lease shall be construed in all respects as if